Executive Order 13198
Agency Responsibilities With Respect to Faith-Based and Community Initiatives
Signed: January 29, 2001

Executive Order 13199
Establishment of White House Office of Faith-Based and Community Initiatives
Signed: January 29, 2001

Executive Order 13200
President's Information Technology Advisory Committee, Further Amendment to Executive Order 13035, as Amended
Signed: February 11, 2001

Executive Order 13201
Notification of Employee Rights Concerning Payment of Union Dues or Fees
Signed: February 17, 2001

Executive Order 13202
Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects
Signed: February 17, 2001

Executive Order 13203
Revocation of Executive Order and Presidential Memorandum Concerning Labor-Management Partnerships
Signed: February 17, 2001

Executive Order 13204
Revocation of Executive Order on Nondisplacement of Qualified Workers Under Certain Contracts
Signed: February 17, 2001

Executive Order 13205
Establishing an Emergency Board To Investigate a Dispute Between Northwest Airlines, Inc., and Its Employees Represented by the Aircraft Mechanics Fraternal Association
Signed: March 9, 2001

Executive Order 13206
Termination of Emergency Authority for Certain Export Controls

Signed: April 4, 2001

Executive Order 13207
Further Amendment to Executive Order 10000, Regulations Governing Additional Compensation and Credit Granted Certain Employees of the Federal Government Serving Outside the United States
Signed: April 5, 2001

Executive Order 13208
Amendment to Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects
Signed: April 6, 2001

Executive Order 13209
Amendment to Executive Order 13183, Establishment of the President's Task Force on Puerto Rico's Status
Signed: April 30, 2001

Executive Order 13210
President's Commission To Strengthen Social Security
Signed: May 2, 2001

Executive Order 13211
Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
Signed: May 18, 2001

Executive Order 13212
Actions To Expedite Energy-Related Projects
Signed: May 18, 2001

Executive Order 13213
Additional Measures With Respect To Prohibiting the Importation of Rough Diamonds From Sierra Leone
Signed: May 22, 2001

Executive Order 13214
President's Task Force To Improve Health Care Delivery for Our Nation's Veterans
Signed: May 28, 2001

Executive Order 13215

President's Information Technology Advisory Committee, Further Amendment to Executive Order 13035, as Amended
Signed: May 31, 2001

Executive Order 13216
Amendment to Executive Order 13125, Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs
Signed: June 6, 2001

Executive Order 13217
Community-Based Alternatives for Individuals With Disabilities
Signed: June 18, 2001

Executive Order 13218
21st Century Workforce Initiative
Signed: June 20, 2001

Executive Order 13219
Blocking Property of Persons Who Threaten International Stabilization Efforts in the Western Balkans
Signed: June 26, 2001

Executive Order 13220
Waiver Under the Trade Act of 1974 With Respect to the Republic of Belarus
Signed: July 2, 2001

Executive Order 13221
Energy Efficient Standby Power Devices
Signed: July 31, 2001

Executive Order 13222
Continuation of Export Control Regulations
Signed: August 17, 2001

Executive Order 13223
Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation
Signed: September 14, 2001

Executive Order 13224
Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism

Signed: September 23, 2001

Executive Order 13225
Continuance of Certain Federal Advisory Committees
Signed: September 28, 2001

Executive Order 13226
President's Council of Advisors on Science and Technology
Signed: September 30, 2001

Executive Order 13227
President's Commission on Excellence in Special Education
Signed: October 2, 2001

Executive Order 13228
Establishing the Office of Homeland Security and the Homeland Security Council
Signed: October 8, 2001

Executive Order 13229
Amendment to Executive Order 13045, Extending the Task Force on Environmental Health Risks and Safety Risks to Children
Signed: October 9, 2001

Executive Order 13230
President's Advisory Commission on Educational Excellence for Hispanic Americans
Signed: October 12, 2001

Executive Order 13231
Critical Infrastructure Protection in the Information Age
Signed: October 16, 2001

Executive Order 13232
Further Amendment to Executive Order 10789, as Amended, To Authorize the Department of Health and Human Services To Exercise Certain Contracting Authority in Connection With National Defense Functions
Signed: October 20, 2001

Executive Order 13233
Further Implementation of the Presidential Records Act
Signed: November 1, 2001

Executive Order 13234
Presidential Task Force on Citizen Preparedness in the War on Terrorism
Signed: November 9, 2001

Executive Order 13235
National Emergency Construction Authority
Signed: November 16, 2001

Executive Order 13236
Waiver of Dual Compensation Provisions of the Central Intelligence Agency Retirement Act of 1964
Signed: November 27, 2001

Executive Order 13237
Creation of the President's Council on Bioethics
Signed: November 28, 2001

Executive Order 13238
Closing of Federal Government Executive Departments and Agencies on Monday, December 24, 2001
Signed: December 5, 2001

Executive Order 13239
Designation of Afghanistan and the Airspace Above as a Combat Zone
Signed: December 12, 2001

Executive Order 13240
Council of Europe in Respect of the Group of States Against Corruption
Signed: December 18, 2001

Executive Order 13241
Providing an Order of Succession Within the Department of Agriculture
Signed: December 18, 2001

Executive Order 13242
Providing an Order of Succession Within the Department of Commerce
Signed: December 18, 2001

Executive Order 13243
Providing an Order of Succession Within the Department of Housing and Urban Development
Signed: December 18, 2001

Executive Order 13244
Providing an Order of Succession Within the Department of the Interior
Signed: December 18, 2001

Executive Order 13245
Providing an Order of Succession Within the Department of Labor
Signed: December 18, 2001

Executive Order 13246
Providing an Order of Succession Within the Department of the Treasury
Signed: December 18, 2001

Executive Order 13247
Providing an Order of Succession Within the Department of Veterans Affairs
Signed: December 18, 2001

Executive Order 13248
Establishing an Emergency Board To Investigate a Dispute Between United Airlines, Inc., and its Mechanics and Related Employees Represented by the International Association of Machinists and Aerospace Workers
Signed: December 20, 2001

Executive Order 13249
Adjustments of Certain Rates of Pay
Signed: December 28, 2001

Executive Order 13250
Providing an Order of Succession Within the Department of Health and Human Services
Signed: December 28, 2001

Executive Order 13251
Providing an Order of Succession Within the Department of State
Signed: December 28, 2001

Executive Order 13252
Exclusions From the Federal Labor-Management Relations Program
Signed: January 7, 2002

Executive Order 13253
Amendment to Executive Order 13223, Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of

Defense and the Secretary of Transportation
Signed: January 16, 2002

Executive Order 13254
Establishing the USA Freedom Corps
Signed: January 29, 2002

Executive Order 13255
Amendment to Executive Order 13227, President's Commission on Excellence in Special Education
Signed: February 6, 2002

Executive Order 13256
President's Board of Advisors on Historically Black Colleges and Universities
Signed: February 12, 2002

Executive Order 13257
President's Interagency Task Force To Monitor and Combat Trafficking in Persons
Signed: February 13, 2002

Executive Order 13258
Amending Executive Order 12866 on Regulatory Planning and Review
Signed: February 26, 2002

Executive Order 13259
Designation of Public International Organizations for Purposes of the Securities and Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977
Signed: March 19, 2002

Executive Order 13260
Establishing the President's Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security
Signed: March 19, 2002

Executive Order 13261
Providing an Order of Succession in the Environmental Protection Agency and Amending Certain Orders on Succession
Signed: March 19, 2002

Executive Order 13262
2002 Amendments to the Manual for Courts-Martial, United States
Signed: April 11, 2002

Executive Order 13263
President's New Freedom Commission on Mental Health
Signed: April 29, 2002

Executive Order 13264
Amendment to Executive Order 13180, Air Traffic Performance-Based Organization
Signed: June 4, 2002

Executive Order 13265
President's Council on Physical Fitness and Sports
Signed: June 6, 2002

Executive Order 13266
Activities To Promote Personal Fitness
Signed: June 20, 2002

Executive Order 13267
Establishing a Transition Planning Office for the Department of Homeland Security Within the Office of Management and Budget
Signed: June 20, 2002

Executive Order 13268
Termination of Emergency With Respect to the Taliban and Amendment of Executive Order 13224 of September 23, 2001
Signed: July 2, 2002

Executive Order 13269
Expedited Naturalization of Aliens and Noncitizen Nationals Serving in an Active-Duty Status During the War on Terrorism
Signed: July 3, 2002

Executive Order 13270
Tribal Colleges and Universities
Signed: July 3, 2002

Executive Order 13271
Establishment of the Corporate Fraud Task Force
Signed: July 9, 2002

Executive Order 13272
Proper Consideration of Small Entities in Agency Rulemaking

Signed: August 13, 2002

Executive Order 13273
Further Amending Executive Order 10173, as Amended, Prescribing Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and Waterfront Facilities of the United States
Signed: August 21, 2002

Executive Order 13274
Environmental Stewardship and Transportation Infrastructure Project Reviews
Signed: September 18, 2002

Executive Order 13275
Creating a Board of Inquiry To Report on Certain Labor Disputes Affecting the Maritime Industry of the United States
Signed: October 7, 2002

Executive Order 13276
Delegation of Responsibilities Concerning Undocumented Aliens Interdicted or Intercepted in the Caribbean Region
Signed: November 15, 2002

Executive Order 13277
Delegation of Certain Authorities and Assignment of Certain Functions Under the Trade Act of 2002
Signed: November 19, 2002

Executive Order 13278
President's Commission on the United States Postal Service
Signed: December 11, 2002

Executive Order 13279
Equal Protection of the Laws for Faith-Based and Community Organizations
Signed: December 12, 2002

Executive Order 13280
Responsibilities of the Department of Agriculture and the Agency for International Development With Respect to Faith-Based and Community Initiatives
Signed: December 12, 2002

Executive Order 13281
Half-Day Closing of Executive Departments and Agencies of the Federal

Government on Tuesday, December 24, 2002
Signed: December 19, 2002

Executive Order 13282
Adjustments of Certain Rates of Pay
Signed: December 31, 2002

Executive Order 13283
Establishing the Office of Global Communications
Signed: January 21, 2003

Executive Order 13284
Amendment of Executive Orders, and Other Actions, in Connection With the Establishment of the Department of Homeland Security
Signed: January 23, 2003

Executive Order 13285
President's Council on Service and Civic Participation
Signed: January 29, 2003

Executive Order 13286
Amendment of Executive Orders, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security
Signed: February 28, 2003

Executive Order 13287
Preserve America
Signed: March 3, 2003

Executive Order 13288
Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe
Signed: March 6, 2003

Executive Order 13289
Establishing the Global War on Terrorism Medals
Signed: March 12, 2003

Executive Order 13290
Confiscating and Vesting Certain Iraqi Property
Signed: March 20, 2003

Executive Order 13291
Further Adjustment of Certain Rates of Pay
Signed: March 21, 2003

Executive Order 13292
Further Amendment to Executive Order 12958, as Amended, Classified National Security Information
Signed: March 25, 2003

Executive Order 13293
Amendment to Executive Order 10448, Establishing the National Defense Service Medal
Signed: March 28, 2003

Executive Order 13294
Regulations Relating to Hazardous Duty Incentive Pay, Aviation Career Incentive Pay, and Submarine Duty Incentive Pay
Signed: March 28, 2003

Executive Order 13295
Revised List of Quarantinable Communicable Diseases
Signed: April 4, 2003

Executive Order 13296
Amendments to Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks
Signed: April 18, 2003

Executive Order 13297
Applying the Federal Physicians Comparability Allowance Amendments of 2000 to Participants in the Foreign Service Retirement and Disability System, the Foreign Service Pension System, and the Central Intelligence Agency Retirement and Disability System
Signed: April 23, 2003

Executive Order 13298
Termination of Emergency With Respect to the Actions and Policies of UNITA and Revocation of Related Executive Orders
Signed: May 6, 2003

Executive Order 13299
Interagency Group on Insular Areas

Signed: May 8, 2003

Executive Order 13300
Facilitating the Administration of Justice in the Federal Courts
Signed: May 9, 2003

Executive Order 13301
Increasing the Number of Members on the Intelligence Oversight Board
Signed: May 14, 2003

Executive Order 13302
Amending Executive Order 13212, Actions to Expedite Energy-Related Projects
Signed: May 15, 2003

Executive Order 13303
Protecting the Development Fund for Iraq and Certain Other Property in Which Iraq Has an Interest
Signed: May 22, 2003

Executive Order 13304
Termination of National Emergencies With Respect to Yugoslavia and Modification of Executive Order 13219 of June 26, 2001
Signed: May 28, 2003

Executive Order 13305
Extension of the President's Information Technology Advisory Committee and the President's Council of Advisors on Science and Technology
Signed: May 28, 2003

Executive Order 13306
Establishing the Bob Hope American Patriot Award
Signed: May 28, 2003

Executive Order 13307
European Central Bank
Signed: May 29, 2003

Executive Order 13308
Further Amendment to Executive Order 12580, as Amended, Superfund Implementation
Signed: June 20, 2003

Executive Order 13309
Amendments to Executive Order 12994, and renaming the President's Committee on Mental Retardation as the President's Committee for People with Intellectual Disabilities
Signed: July 25, 2003

Executive Order 13310
Blocking Property of the Government of Burma and Prohibiting Certain Transactions
Signed: July 28, 2003

Executive Order 13311
Homeland Security Information Sharing
Signed: July 29, 2003

Executive Order 13312
Implementing the Clean Diamond Trade Act
Signed: July 29, 2003

Executive Order 13313
Delegation of Certain Congressional Reporting Functions
Signed: July 31, 2003

Executive Order 13314
Waiver Under the Trade Act of 1974 With Respect to Turkmenistan
Signed: August 8, 2003

Executive Order 13315
Blocking Property of the Former Iraqi Regime, Its Senior Officials and Their Family Members, and Taking Certain Other Actions
Signed: August 28, 2003

Executive Order 13316
Continuance of Certain Federal Advisory Committees
Signed: September 17, 2003

Executive Order 13317
Volunteers for Prosperity
Signed: September 25, 2003

Executive Order 13318
Presidential Management Fellows Program

Signed: November 21, 2003

Executive Order 13319
Amendment to Executive Order 13183, Establishment of the President's Task Force on Puerto Rico's Status
Signed: November 3, 2003

Executive Order 13320
Closing of Executive Departments and Agencies of the Federal Government on Friday, December 26, 2003
Signed: December 9, 2003

Executive Order 13321
Appointments During National Emergency
Signed: December 17, 2003

Executive Order 13322
Adjustments of Certain Rates of Pay
Signed: December 30, 2003

Executive Order 13323
Assignment of Functions Relating to Arrivals in and Departures From the United States
Signed: December 30, 2003

Executive Order 13324
Termination of National Emergency With Respect to Sierra Leone and Liberia
Signed: January 15, 2004

Executive Order 13325
Amendment to Executive Order 12293, the Foreign Service of the United States
Signed: January 23, 2004

Executive Order 13326
President's Commission on Implementation of United States Space Exploration Policy
Signed: January 27, 2004

Executive Order 13327
Federal Real Property Asset Management
Signed: February 4, 2004

Executive Order 13328
Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction
Signed: February 6, 2004

Executive Order 13329
Encouraging Innovation in Manufacturing
Signed: February 24, 2004

Executive Order 13330
Human Service Transportation Coordination
Signed: February 24, 2004

Executive Order 13331
National and Community Service Programs
Signed: February 27, 2004

Executive Order 13332
Further Adjustment of Certain Rates of Pay
Signed: March 3, 2004

Executive Order 13333
Amending Executive Order 13257 To Implement the Trafficking Victims Protection Reauthorization Act of 2003
Signed: March 16, 2004

Executive Order 13334
Establishing an Emergency Board To Investigate a Dispute Between the Southeastern Pennsylvania Transportation Authority and its Conductors Represented by the United Transportation Union
Signed: April 10, 2004

Executive Order 13335
Incentives for the Use of Health Information Technology and Establishing the Position of the National Health Information Technology Coordinator
Signed: April 27, 2004

Executive Order 13336
American Indian and Alaska Native Education
Signed: April 30, 2004

Executive Order 13337

Issuance of Permits With Respect to Certain Energy-Related Facilities and Land Transportation Crossings on the International Boundaries of the United States
Signed: April 30, 2004

Executive Order 13338
Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria
Signed: May 11, 2004

Executive Order 13339
Increasing Economic Opportunity and Business Participation of Asian Americans and Pacific Islanders
Signed: May 13, 2004

Executive Order 13340
Establishment of Great Lakes Interagency Task Force and Promotion of a Regional Collaboration of National Significance for the Great Lakes
Signed: May 18, 2004

Executive Order 13341
Further Amendment to Executive Order 11023, Providing for the Performance by the Secretary of Commerce of Certain Functions Relating to the National Oceanic and Atmospheric Administration
Signed: May 20, 2004

Executive Order 13342
Responsibility of the Departments of Commerce and Veterans Affairs and the Small Business Administration With Respect to Faith-Based and Community Initiatives
Signed: June 1, 2004

Executive Order 13343
Providing for the Closing of Government Departments and Agencies on June 11, 2004
Signed: June 6, 2004

Executive Order 13344
Amending Executive Order 13261 on the Order of Succession in the Environmental Protection Agency
Signed: July 7, 2004

Executive Order 13345
Assigning Foreign Affairs Functions and Implementing the Enterprise for the

Americas Initiative and the Tropical Forest Conservation Act
Signed: July 8, 2004

Executive Order 13346
Delegation of Certain Waiver, Determination, Certification, Recommendation, and Reporting Functions
Signed: July 8, 2004

Executive Order 13347
Individuals With Disabilities in Emergency Preparedness
Signed: July 22, 2004

Executive Order 13348
Blocking Property of Certain Persons and Prohibiting the Importation of Certain Goods from Liberia
Signed: July 22, 2004

Executive Order 13349
Amending Executive Order 13326 to Designate the President's Council of Advisors on Science and Technology to Serve as the National Nanotechnology Panel
Signed: July 23, 2004

Executive Order 13350
Termination of Emergency Declared in Executive Order 12722 With Respect to Iraq and Modification of Executive Order 13290, Executive Order 13303, and Executive Order 13315
Signed: July 29, 2004

Executive Order 13198
Agency Responsibilities With Respect to Faith-Based and Community Initiatives

Signed: January 29, 2001
Federal Register page and date: 66 FR 8497, January 31, 2001

Federal Register

Wednesday,
January 31, 2001

Part III

The President

Executive Order 13198—Agency Responsibilities With Respect to Faith-Based and Community Initiatives

Executive Order 13199—Establishment of White House Office of Faith-Based and Community Initiatives

Federal Register
Vol. 66, No. 21
Wednesday, January 31, 2001

Presidential Documents

Title 3—

The President

Executive Order 13198 of January 29, 2001

Agency Responsibilities With Respect to Faith-Based and Community Initiatives

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to help the Federal Government coordinate a national effort to expand opportunities for faith-based and other community organizations and to strengthen their capacity to better meet social needs in America's communities, it is hereby ordered as follows:

Section 1. *Establishment of Executive Department Centers for Faith-Based and Community Initiatives.* (a) The Attorney General, the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of Housing and Urban Development shall each establish within their respective departments a Center for Faith-Based and Community Initiatives (Center).

(b) Each executive department Center shall be supervised by a Director, appointed by the department head in consultation with the White House Office of Faith-Based and Community Initiatives (White House OFBCI).

(c) Each department shall provide its Center with appropriate staff, administrative support, and other resources to meet its responsibilities under this order.

(d) Each department's Center shall begin operations no later than 45 days from the date of this order.

Sec. 2. *Purpose of Executive Department Centers for Faith-Based and Community Initiatives.* The purpose of the executive department Centers will be to coordinate department efforts to eliminate regulatory, contracting, and other programmatic obstacles to the participation of faith-based and other community organizations in the provision of social services.

Sec. 3. *Responsibilities of Executive Department Centers for Faith-Based and Community Initiatives.* Each Center shall, to the extent permitted by law: (a) conduct, in coordination with the White House OFBCI, a department-wide audit to identify all existing barriers to the participation of faith-based and other community organizations in the delivery of social services by the department, including but not limited to regulations, rules, orders, procurement, and other internal policies and practices, and outreach activities that either facially discriminate against or otherwise discourage or disadvantage the participation of faith-based and other community organizations in Federal programs;

(b) coordinate a comprehensive departmental effort to incorporate faith-based and other community organizations in department programs and initiatives to the greatest extent possible;

(c) propose initiatives to remove barriers identified pursuant to section 3(a) of this order, including but not limited to reform of regulations, procurement, and other internal policies and practices, and outreach activities;

(d) propose the development of innovative pilot and demonstration programs to increase the participation of faith-based and other community organizations in Federal as well as State and local initiatives; and

(e) develop and coordinate department outreach efforts to disseminate information more effectively to faith-based and other community organizations with respect to programming changes, contracting opportunities, and

other department initiatives, including but not limited to Web and Internet resources.

Sec. 4. *Additional Responsibilities of the Department of Health and Human Services and the Department of Labor Centers.* In addition to those responsibilities described in section 3 of this order, the Department of Health and Human Services and the Department of Labor Centers shall, to the extent permitted by law: (a) conduct a comprehensive review of policies and practices affecting existing funding streams governed by so-called ''Charitable Choice'' legislation to assess the department's compliance with the requirements of Charitable Choice; and (b) promote and ensure compliance with existing Charitable Choice legislation by the department, as well as its partners in State and local government, and their contractors.

Sec. 5. *Reporting Requirements.* (a) Report. Not later than 180 days after the date of this order and annually thereafter, each of the five executive department Centers described in section 1 of this order shall prepare and submit a report to the White House OFBCI.

(b) Contents. The report shall include a description of the department's efforts in carrying out its responsibilities under this order, including but not limited to:

(1) a comprehensive analysis of the barriers to the full participation of faith-based and other community organizations in the delivery of social services identified pursuant to section 3(a) of this order and the proposed strategies to eliminate those barriers; and

(2) a summary of the technical assistance and other information that will be available to faith-based and other community organizations regarding the program activities of the department and the preparation of applications or proposals for grants, cooperative agreements, contracts, and procurement.

(c) Performance Indicators. The first report, filed 180 days after the date of this order, shall include annual performance indicators and measurable objectives for department action. Each report filed thereafter shall measure the department's performance against the objectives set forth in the initial report.

Sec. 6. *Responsibilities of All Executive Departments and Agencies.* All executive departments and agencies (agencies) shall: (a) designate an agency employee to serve as the liaison and point of contact with the White House OFBCI; and

(b) cooperate with the White House OFBCI and provide such information, support, and assistance to the White House OFBCI as it may request, to the extent permitted by law.

Sec. 7. *Administration and Judicial Review.* (a) The agencies' actions directed by this Executive Order shall be carried out subject to the availability of appropriations and to the extent permitted by law.

(b) This order does not create any right or benefit, substantive or procedural, enforceable at law or equity against the United States, its agencies or instrumentalities, its officers or employees, or any other person.



THE WHITE HOUSE,
January 29, 2001.

[FR Doc. 01–2851
Filed 1–30–01; 11:45 am]
Billing code 3195–01–P

Executive Order 13199
Establishment of White House Office of Faith-Based and Community Initiatives

Signed: January 29, 2001
Federal Register page and date: 66 FR 8499, January 31, 2001

Presidential Documents

Executive Order 13199 of January 29, 2001

Establishment of White House Office of Faith-Based and Community Initiatives

By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, and in order to help the Federal Government coordinate a national effort to expand opportunities for faith-based and other community organizations and to strengthen their capacity to better meet social needs in America's communities, it is hereby ordered as follows:

Section 1. *Policy.* Faith-based and other community organizations are indispensable in meeting the needs of poor Americans and distressed neighborhoods. Government cannot be replaced by such organizations, but it can and should welcome them as partners. The paramount goal is compassionate results, and private and charitable community groups, including religious ones, should have the fullest opportunity permitted by law to compete on a level playing field, so long as they achieve valid public purposes, such as curbing crime, conquering addiction, strengthening families and neighborhoods, and overcoming poverty. This delivery of social services must be results oriented and should value the bedrock principles of pluralism, nondiscrimination, evenhandedness, and neutrality.

Sec. 2. *Establishment.* There is established a White House Office of Faith-Based and Community Initiatives (White House OFBCI) within the Executive Office of the President that will have lead responsibility in the executive branch to establish policies, priorities, and objectives for the Federal Government's comprehensive effort to enlist, equip, enable, empower, and expand the work of faith-based and other community organizations to the extent permitted by law.

Sec. 3. *Functions.* The principal functions of the White House OFBCI are, to the extent permitted by law: (a) to develop, lead, and coordinate the Administration's policy agenda affecting faith-based and other community programs and initiatives, expand the role of such efforts in communities, and increase their capacity through executive action, legislation, Federal and private funding, and regulatory relief;

(b) to ensure that Administration and Federal Government policy decisions and programs are consistent with the President's stated goals with respect to faith-based and other community initiatives;

(c) to help integrate the President's policy agenda affecting faith-based and other community organizations across the Federal Government;

(d) to coordinate public education activities designed to mobilize public support for faith-based and community nonprofit initiatives through volunteerism, special projects, demonstration pilots, and public-private partnerships;

(e) to encourage private charitable giving to support faith-based and community initiatives;

(f) to bring concerns, ideas, and policy options to the President for assisting, strengthening, and replicating successful faith-based and other community programs;

(g) to provide policy and legal education to State, local, and community policymakers and public officials seeking ways to empower faith-based and

other community organizations and to improve the opportunities, capacity, and expertise of such groups;

(h) to develop and implement strategic initiatives under the President's agenda to strengthen the institutions of civil society and America's families and communities;

(i) to showcase and herald innovative grassroots nonprofit organizations and civic initiatives;

(j) to eliminate unnecessary legislative, regulatory, and other bureaucratic barriers that impede effective faith-based and other community efforts to solve social problems;

(k) to monitor implementation of the President's agenda affecting faith-based and other community organizations; and

(l) to ensure that the efforts of faith-based and other community organizations meet high standards of excellence and accountability.

Sec. 4. *Administration.* (a) The White House OFBCI may function through established or ad hoc committees, task forces, or interagency groups.

(b) The White House OFBCI shall have a staff to be headed by the Assistant to the President for Faith-Based and Community Initiatives. The White House OFBCI shall have such staff and other assistance, to the extent permitted by law, as may be necessary to carry out the provisions of this order. The White House OFBCI operations shall begin no later than 30 days from the date of this order.

(c) The White House OFBCI shall coordinate with the liaison and point of contact designated by each executive department and agency with respect to this initiative.

(d) All executive departments and agencies (agencies) shall cooperate with the White House OFBCI and provide such information, support, and assistance to the White House OFBCI as it may request, to the extent permitted by law.

(e) The agencies' actions directed by this Executive Order shall be carried out subject to the availability of appropriations and to the extent permitted by law.

Sec. 5. *Judicial Review.* This order does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.



THE WHITE HOUSE,
January 29, 2001.

[FR Doc. 01–2852
Filed 1–30–01; 11:45 am]
Billing code 3195–01–P

Executive Order 13200

President's Information Technology Advisory Committee, Further Amendment to Executive Order 13035, as Amended

Signed: February 11, 2001

Federal Register page and date: 66 FR 10183, February 14, 2001

Amends: EO 13035, February 11, 1997

See: EO 13092, July 24, 1998; EO 13113, February 10, 1999; EO 13215, May 31, 2001

Federal Register
Vol. 66, No. 31
Wednesday, February 14, 2001

Presidential Documents

Title 3—

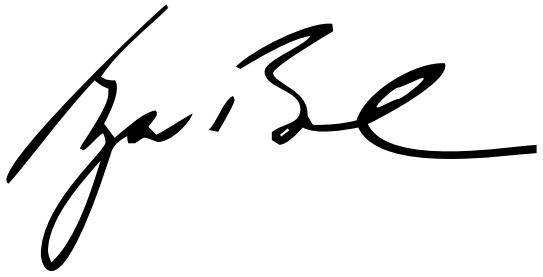
The President

Executive Order 13200 of February 11, 2001

President's Information Technology Advisory Committee, Further Amendment to Executive Order 13035, as Amended

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the High-Performance Computing Act of 1991 (Public Law 102–194), as amended by the Next Generation Internet Research Act of 1998 (Public Law 105–305), and in order to extend the life of the President's Information Technology Advisory Committee so that it may continue to carry out its responsibilities, it is hereby ordered that Executive Order 13035 of February 11, 1997, as amended by Executive Orders 13092 and 13113 (''Executive Order 13035, as amended''), is further amended as follows:

Section 4(b) of Executive Order 13035, as amended, is further amended by deleting ''February 11, 2001 and inserting ''June 1, 2001,'' in lieu thereof.



THE WHITE HOUSE,
February 11, 2001.

[FR Doc. 01–3883
Filed 2–13–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13201
Notification of Employee Rights Concerning Payment of Union Dues or Fees

Signed: February 17, 2001
Federal Register page and date: 66 FR 11221, February 22, 2001
Revokes: EO 12836, February 1, 1993 (in part)
See: EO 12800, April 13, 1992

Federal Register

Thursday,
February 22, 2001

Part III

The President

Executive Order 13201—Notification of Employee Rights Concerning Payment of Union Dues or Fees

Executive Order 13202—Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects

Executive Order 13203—Revocation of Executive Order and Presidential Memorandum Concerning Labor-Management Partnerships

Executive Order 13204—Revocation of Executive Order on Nondisplacement of Qualified Workers Under Certain Contracts

Federal Register
Vol. 66, No. 36
Thursday, February 22, 2001

Presidential Documents

Title 3—

The President

Executive Order 13201 of February 17, 2001

Notification of Employee Rights Concerning Payment of Union Dues or Fees

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 471 *et seq.*, and in order to ensure the economical and efficient administration and completion of Government contracts, it is hereby ordered that:

Section 1. (a) This order is designed to promote economy and efficiency in Government procurement. When workers are better informed of their rights, including their rights under the Federal labor laws, their productivity is enhanced. The availability of such a workforce from which the United States may draw facilitates the efficient and economical completion of its procurement contracts.

(b) The Secretary of Labor (Secretary) shall be responsible for the administration and enforcement of this order. The Secretary shall adopt such rules and regulations and issue such orders as are deemed necessary and appropriate to achieve the purposes of this order.

Sec. 2. (a) Except in contracts exempted in accordance with section 3 of this order, all Government contracting departments and agencies shall, to the extent consistent with law, include the following provisions in every Government contract, other than collective bargaining agreements as defined in 5 U.S.C. 7103(a)(8) and purchases under the ''Simplified Acquisition Threshold'' as defined in the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''1. During the term of this contract, the contractor agrees to post a notice, of such size and in such form as the Secretary of Labor shall prescribe, in conspicuous places in and about its plants and offices, including all places where notices to employees are customarily posted. The notice shall include the following information (except that the last sentence shall not be included in notices posted in the plants or offices of carriers subject to the Railway Labor Act, as amended (45 U.S.C. 151-188)):

''NOTICE TO EMPLOYEES

Under Federal law, employees cannot be required to join a union or maintain membership in a union in order to retain their jobs. Under certain conditions, the law permits a union and an employer to enter into a union-security agreement requiring employees to pay uniform periodic dues and initiation fees. However, employees who are not union members can object to the use of their payments for certain purposes and can only be required to pay their share of union costs relating to collective bargaining, contract administration, and grievance adjustment.

''If you do not want to pay that portion of dues or fees used to support activities not related to collective bargaining, contract administration, or grievance adjustment, you are entitled to an appropriate reduction in your payment. If you believe that you have been required to pay dues or fees used in part to support activities not related to collective bargaining, contract administration, or grievance adjustment, you may be entitled to a refund and to an appropriate reduction in future payments.

''For further information concerning your rights, you may wish to contact the National Labor Relations Board (NLRB) either at one of its Regional offices or at the following address:

National Labor Relations Board

Division of Information

1099 14th Street, N.W.

Washington, D.C. 20570

''To locate the nearest NLRB office, see NLRB's website at www.nlrb.gov.''

''2. The contractor will comply with all provisions of Executive Order 13201 of February 17, 2001, and related rules, regulations, and orders of the Secretary of Labor.

''3. In the event that the contractor does not comply with any of the requirements set forth in paragraphs (1) or (2) above, this contract may be cancelled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in or adopted pursuant to Executive Order 13201 of February 17, 2001. Such other sanctions or remedies may be imposed as are provided in Executive Order 13201 of February 17, 2001, or by rule, regulation, or order of the Secretary of Labor, or as are otherwise provided by law.

''4. The contractor will include the provisions of paragraphs (1) through (3) herein in every subcontract or purchase order entered into in connection with this contract unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 3 of Executive Order 13201 of February 17, 2001, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any such subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including the imposition of sanctions for non compliance: Provided, however, that if the contractor becomes involved in litigation with a subcontractor or vendor, or is threatened with such involvement, as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.''

(b) Whenever, through Acts of Congress or through clarification of existing law by the courts or otherwise, it appears that contractual provisions other than, or in addition to, those set out in subsection (a) of this section are needed to inform employees fully and accurately of their rights with respect to union dues, union-security agreements, or the like, the Secretary shall promptly issue such rules, regulations, or orders as are needed to cause the substitution or addition of appropriate contractual provisions in Government contracts thereafter entered into.

Sec. 3. (a) The Secretary may, if the Secretary finds that special circumstances require an exemption in order to serve the national interest, exempt a contracting department or agency from the requirements of any or all of the provisions of section 2 of this order with respect to a particular contract, subcontract, or purchase order.

(b) The Secretary may, by rule, regulation, or order, exempt from the provisions of section 2 of this order certain classes of contracts to the extent that they involve (i) work outside the United States and do not involve the recruitment or employment of workers within the United States; (ii) work in jurisdictions where State law forbids enforcement of union-security agreements; (iii) work at sites where the notice to employees described in section 2(a) of this order would be unnecessary because the employees are not represented by a union; (iv) numbers of workers below appropriate thresholds set by the Secretary; or (v) subcontracts below an appropriate tier set by the Secretary.

(c) The Secretary may provide, by rule, regulation, or order, for the exemption of facilities of a contractor, subcontractor, or vendor that are in all

respects separate and distinct from activities related to the performance of the contract: Provided, that such exemption will not interfere with or impede the effectuation of the purposes of this order: And provided further, that in the absence of such an exemption all facilities shall be covered by the provisions of this order.

Sec. 4. (a) The Secretary may investigate any Government contractor, subcontractor, or vendor to determine whether the contractual provisions required by section 2 of this order have been violated. Such investigations shall be conducted in accordance with procedures established by the Secretary.

(b) The Secretary shall receive and investigate complaints by employees of a Government contractor, subcontractor, or vendor where such complaints allege a failure to perform or a violation of the contractual provisions required by section 2 of this order.

Sec. 5. (a) The Secretary, or any agency or officer in the executive branch of the Government designated by rule, regulation, or order of the Secretary, may hold such hearings, public or private, regarding compliance with this order as the Secretary may deem advisable.

(b) The Secretary may hold hearings, or cause hearings to be held, in accordance with subsection (a) of this section prior to imposing, ordering, or recommending the imposition of sanctions under this order. Neither an order for debarment of any contractor from further Government contracts under section 6(b) of this order nor the inclusion of a contractor on a published list of noncomplying contractors under section 6(c) of this order shall be carried out without affording the contractor an opportunity for a hearing.

Sec. 6. In accordance with such rules, regulations, or orders as the Secretary may issue or adopt, the Secretary may:

(a) after consulting with the contracting department or agency, direct that department or agency to cancel, terminate, suspend, or cause to be cancelled, terminated, or suspended, any contract, or any portion or portions thereof, for failure of the contractor to comply with the contractual provisions required by section 2 of this order; contracts may be cancelled, terminated, or suspended absolutely, or continuance of contracts may be conditioned upon future compliance: Provided, that before issuing a directive under this subsection, the Secretary shall provide the head of the contracting department or agency an opportunity to offer written objections to the issuance of such a directive, which objections shall include a complete statement of reasons for the objections, among which reasons shall be a finding that completion of the contract is essential to the agency's mission: And provided further, that no directive shall be issued by the Secretary under this subsection so long as the head of the contracting department or agency continues personally to object to the issuance of such directive;

(b) after consulting with each affected contracting department or agency, provide that one or more contracting departments or agencies shall refrain from entering into further contracts, or extensions or other modifications of existing contracts, with any noncomplying contractor, until such contractor has satisfied the Secretary that such con tractor has complied with and will carry out the provisions of this order: Provided, that before issuing a directive under this subsection, the Secretary shall provide the head of each contracting department or agency an opportunity to offer written objections to the issuance of such a directive, which objections shall include a complete statement of reasons for the objections, among which reasons shall be a finding that further contracts or extensions or other modifications of existing contracts with the noncomplying contractor are essential to the agency's mission: And provided further, that no directive shall be issued by the Secretary under this subsection so long as the head of a contracting department or agency continues personally to object to the issuance of such directive; and

(c) publish, or cause to be published, the names of contractors that have, in the judgment of the Secretary, failed to comply with the provisions of this order or of related rules, regulations, and orders of the Secretary.

Sec. 7. Whenever the Secretary invokes section 6(a) or 6(b) of this order, the contracting department or agency shall report the results of the action it has taken to the Secretary within such time as the Secretary shall specify.

Sec. 8. Each contracting department and agency shall cooperate with the Secretary and provide such information and assistance as the Secretary may require in the performance of the Secretary's functions under this order.

Sec. 9. The Secretary may delegate any function or duty of the Secretary under this order to any officer in the Department of Labor or to any other officer in the executive branch of the Government, with the consent of the head of the department or agency in which that officer serves.

Sec. 10. The Federal Acquisition Regulatory Council (FAR Council) shall take whatever action is required to implement in the Federal Acquisition Regulation (FAR) the provisions of this order and of any related rules, regulations, or orders of the Secretary that were issued to implement this Executive Order. The FAR Council shall amend the FAR to require each solicitation of offers for a contract to include a provision that implements section 2 of this order.

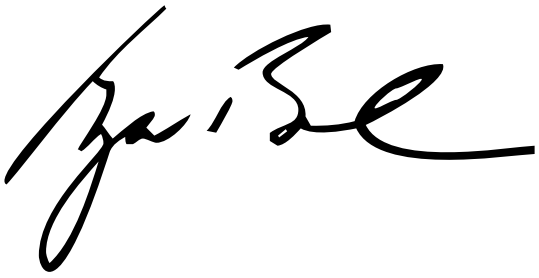
Sec. 11. As it relates to notification of employee rights concerning payment of union dues or fees, Executive Order 12836 of February 1, 1993, which, among other things, revoked Executive Order 12800 of April 13, 1992, is revoked.

Sec. 12. The heads of executive departments and agencies shall revoke expeditiously any orders, rules, regulations, guidelines, or policies implementing or enforcing Executive Order 12836 of February 1, 1993, as it relates to notification of employee rights concerning payment of union dues or fees, to the extent consistent with law.

Sec. 13. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right to administrative or judicial review, or any right, whether substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 14. The provisions of this order shall apply to contracts resulting from solicitations issued on or after the effective date of this order.

Sec. 15. This order shall become effective 60 days after the date of this order.



THE WHITE HOUSE,

February 17, 2001.

[FR Doc. 01–4621

Filed 02–21–01; 11:15 am]

Billing code 3195–01–P

Executive Order 13202

Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects

Signed: February 17, 2001

Federal Register page and date: 66 FR 11225, February 22, 2001

Revokes: EO 12836, February 1, 1993; Memorandum of June 5, 1997

See: EO 12818, October 23, 1992

Amended by: EO 13208, April 6, 2001

Presidential Documents

Executive Order 13202 of February 17, 2001

Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 471 *et seq.*, and in order to (1) promote and ensure open competition on Federal and federally funded or assisted construction projects; (2) maintain Government neutrality towards Government contractors' labor relations on Federal and federally funded or assisted construction projects; (3) reduce construction costs to the Federal Government and to the taxpayers; (4) expand job opportunities, especially for small and disadvantaged businesses; and (5) prevent discrimination against Government contractors or their employees based upon labor affiliation or lack thereof; thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects, it is hereby ordered that:

Section 1. To the extent permitted by law, any executive agency awarding any construction contract after the date of this order, or obligating funds pursuant to such a contract, shall ensure that neither the awarding Government authority nor any construction manager acting on behalf of the Government shall, in its bid specifications, project agreements, or other controlling documents:

(a) Require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or other related construction project(s); or

(b) Otherwise discriminate against bidders, offerors, contractors, or subcontractors for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related construction project(s).

(c) Nothing in this section shall prohibit contractors or subcontractors from voluntarily entering into agreements described in subsection (a).

Sec. 2. Contracts awarded before the date of this order, and subcontracts awarded pursuant to such contracts, whenever awarded, shall not be governed by this order.

Sec. 3. To the extent permitted by law, any executive agency issuing grants, providing financial assistance, or entering into cooperative agreements for construction projects, shall ensure that neither the bid specifications, project agreements, nor other controlling documents for construction contracts awarded after the date of this order by recipients of grants or financial assistance or by parties to cooperative agreements, nor those of any construction manager acting on their behalf, shall contain any of the requirements or prohibitions set forth in section 1(a) or (b) of this order.

Sec. 4. In the event that an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of the foregoing, performs in a manner contrary to the provisions of sections 1 or 3 of this order, the executive agency awarding the contract, grant, or assistance shall take such action, consistent with law and regulation, as the agency determines may be appropriate.

Sec. 5. (a) The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of any or all of the provisions of sections 1 and 3 of this order, if the agency head finds that special circumstances require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(b) A finding of ''special circumstances'' under section 5(a) may not be based on the possibility or presence of a labor dispute concerning the use of contractors or subcontractors who are nonsignatories to, or otherwise do not adhere to, agreements with one or more labor organizations, or concerning employees on the project who are not members of or affiliated with a labor organization.

Sec. 6. (a) The term ''construction contract'' as used in this order means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(b) The term ''executive agency'' as used in this order shall have the same meaning it has in 5 U.S.C. 105, excluding the General Accounting Office.

(c) The term ''labor organization'' as used in this order shall have the same meaning it has in 42 U.S.C. 2000e(d).

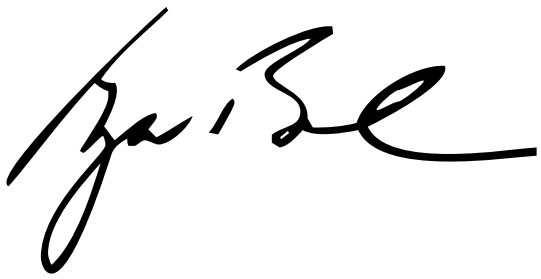
Sec. 7. With respect to Federal contracts, within 60 days of the issuance of this order, the Federal Acquisition Regulatory Council shall take whatever action is required to amend the Federal Acquisition Regulation in order to implement the provisions of this order.

Sec. 8. As it relates to project agreements, Executive Order 12836 of February 1, 1993, which, among other things, revoked Executive Order 12818 of October 23, 1992, is revoked.

Sec. 9. The Presidential Memorandum of June 5, 1997, entitled ''Use of Project Labor Agreements for Federal Construction Projects'' (the ''Memorandum''), is also revoked.

Sec. 10. The heads of executive departments and agencies shall revoke expeditiously any orders, rules, regulations, guidelines, or policies implementing or enforcing the Memorandum or Executive Order 12836 of February 1, 1993, as it relates to project agreements, to the extent consistent with law.

Sec. 11. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right to administrative or judicial review, or any right, whether substantive or procedural, enforce able by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.



THE WHITE HOUSE,
February 17, 2001

[FR Doc. 01–4622
Filed 02–21–01; 11:16 am]
Billing code 3195–01–P

Executive Order 13203

Revocation of Executive Order and Presidential Memorandum Concerning Labor-Management Partnerships

Signed: February 17, 2001

Federal Register page and date: 66 FR 11227, February 22, 2001

Revokes: EO 12871, October 1, 1993; Memorandum of October 28, 1999

See: EO 12983, December 21, 1995; EO 13156, May 17, 2000

Presidential Documents

Executive Order 13203 of February 17, 2001

Revocation of Executive Order and Presidential Memorandum Concerning Labor-Management Partnerships

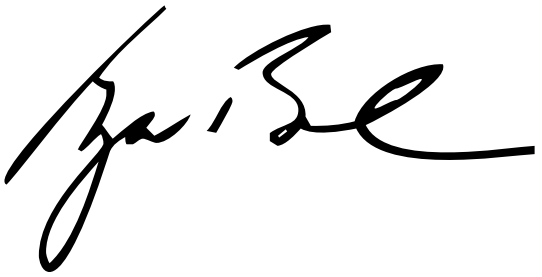
By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that:

Section 1. Executive Order 12871 of October 1, 1993, as amended by Executive Orders 12983 and 13156, which established the National Partnership Council and requires Federal agencies to form labor-management partnerships for management purposes, is revoked. Among other things, therefore, the National Partnership Council is immediately dissolved.

Sec. 2. The Presidential Memorandum of October 28, 1999, entitled ''Reaffirmation of Executive Order 12871—Labor-Management Partnerships'' (the ''Memorandum''), which reaffirms and expands upon the requirements of Executive Order 12871 of October 1, 1993, is also revoked.

Sec. 3. The Director of the Office of Personnel Management and heads of executive agencies shall promptly move to rescind any orders, rules, regulations, guidelines, or policies implementing or enforcing Executive Order 12871 of October 1, 1993, or the Memorandum, to the extent consistent with law.

Sec. 4. Nothing in this order shall abrogate any collective bargaining agreements in effect on the date of this order.



THE WHITE HOUSE,
February 17, 2001.

[FR Doc. 01–4623
Filed 02–21–01; 11:16 am]
Billing code 3195–01–P

Executive Order 13204

Revocation of Executive Order on Nondisplacement of Qualified Workers Under Certain Contracts

Signed: February 17, 2001

Federal Register page and date: 66 FR 11228, February 22, 2001

Revokes: EO 12933, October 20, 1994

Presidential Documents

Executive Order 13204 of February 17, 2001

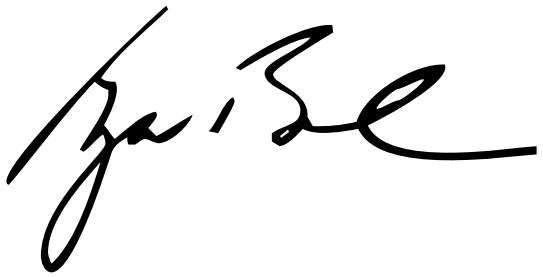
Revocation of Executive Order on Nondisplacement of Qualified Workers Under Certain Contracts

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that:

Section 1. Executive Order 12933 of October 20, 1994, which requires, with respect to contracts for public buildings, that successive contractors offer a right of first refusal of employment to employees of the prior contractor, is revoked.

Sec. 2. The Secretary of Labor (Secretary), the Federal Acquisition Regulatory Council, and heads of executive agencies shall promptly move to rescind any orders, rules, regulations, guidelines, or policies implementing or enforcing Executive Order 12933 of October 20, 1994, to the extent consistent with law.

Sec. 3. The Secretary shall terminate, effective today, any investigations or other compliance actions based on Executive Order 12933 of October 20, 1994.



THE WHITE HOUSE,
February 17, 2001.

[FR Doc. 01–4624
Filed 02–21–01; 11:17 am]
Billing code 3195–01–P

Executive Order 13205

Establishing an Emergency Board To Investigate a Dispute Between Northwest Airlines, Inc., and Its Employees Represented by the Aircraft Mechanics Fraternal Association

Signed: March 9, 2001

Federal Register page and date: 66 FR 15011, March 14, 2001

Federal Register

Wednesday,
March 14, 2001

Part IV

The President

Executive Order 13205—Establishing an Emergency Board To Investigate a Dispute Between Northwest Airlines, Inc., and Its Employees Represented by the Aircraft Mechanics Fraternal Association

Notice of March 13, 2001—Continuation of Iran Emergency

Federal Register
Vol. 66, No. 50
Wednesday, March 14, 2001

Presidential Documents

Title 3—

The President

Executive Order 13205 of March 9, 2001

Establishing an Emergency Board To Investigate a Dispute Between Northwest Airlines, Inc., and Its Employees Represented by the Aircraft Mechanics Fraternal Association

A dispute exists between Northwest Airlines, Inc., and its employees represented by the Aircraft Mechanics Fraternal Association.

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188) (the ''Act'').

In the judgment of the National Mediation Board, this dispute threatens substantially to interrupt interstate commerce to a degree that would deprive sections of the country of essential transportation service.

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States, including sections 10 and 201 of the Act (45 U.S.C. 160 and 181), it is hereby ordered as follows:

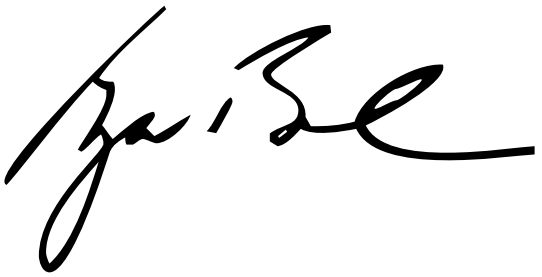
Section 1. *Establishment of Emergency Board (''Board'').* There is established, effective March 12, 2001, a Board of three members to be appointed by the President to investigate this dispute. No member shall be pecuniarily or otherwise interested in any organization of airline employees or any air carrier. The Board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* The Board shall report to the President with respect to this dispute within 30 days of its creation.

Sec. 3. *Maintaining Conditions.* As provided by section 10 of the Act, from the date of the creation of the Board and for 30 days after the Board has submitted its report to the President, no change in the conditions out of which the dispute arose shall be made by the parties to the controversy, except by agreement of the parties.

Sec. 4. *Record Maintenance.* The records and files of the Board are records of the Office of the President and upon the Board's termination shall be maintained in the physical custody of the National Mediation Board.

Sec. 5. *Expiration.* The Board shall terminate upon the submission of the report provided for in sections 2 and 3 of this order.



THE WHITE HOUSE,
March 9, 2001.

[FR Doc. 01–6558
Filed 3–13–01; 11:57 am]
Billing code 3195–01–P

Executive Order 13206

Termination of Emergency Authority for Certain Export Controls

Signed: April 4, 2001

Federal Register page and date: 66 FR 18397, April 9, 2001

Revokes: EO 12924, August 19, 1994

See: EO 12002, July 7, 1977; EO 12214, May 2, 1980; EO 12938, November 14, 1994; EO 12981, December 5, 1995; EO 13026, November 15, 1996

Presidential Documents

Executive Order 13206 of April 4, 2001

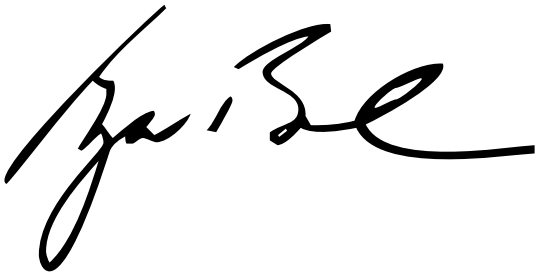
Termination of Emergency Authority for Certain Export Controls

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) (the ''Act''), and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. In view of the reauthorization and extension of the Act by Public Law 106–508, Executive Order 12924 of August 19, 1994, which continued the effect of export control regulations under IEEPA, is revoked, and the declaration of economic emergency is rescinded, as provided in this order.

Sec. 2. The revocation of Executive Order 12924 shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under that order that occurred during the period the order was in effect. All rules and regulations issued or continued in effect under the authority of IEEPA and Executive Order 12924, including those codified at 15 C.F.R. 730–74 (2000), and all orders, regulations, licenses, and other forms of administrative action issued, taken, or continued in effect pursuant thereto, remain in full force and effect, as if issued, taken, or continued in effect pursuant to and as authorized by the Act or by other appropriate authority until amended or revoked by the proper authority. Nothing in this order shall affect the continued applicability of the provision for the administration of the Act and delegations of authority set forth in Executive Order 12002 of July 7, 1977, Executive Order 12214 of May 2, 1980, Executive Order 12938 of November 14, 1994, as amended, Executive Order 12981 of December 5, 1995, as amended, and Executive Order 13026 of November 15, 1996.

Sec. 3. All rules, regulations, orders, licenses, and other forms of administrative action issued, taken, or continued in effect pursuant to the authority of IEEPA and Executive Order 12924 relating to the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.



THE WHITE HOUSE,
April 4, 2001.

[FR Doc. 01–8835
Filed 4–6–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13207

Further Amendment to Executive Order 10000, Regulations Governing Additional Compensation and Credit Granted Certain Employees of the Federal Government Serving Outside the United States

Signed: April 5, 2001

Federal Register page and date: 66 FR 18399, April 9, 2001

Amends: EO 10000, September 16, 1948

Presidential Documents

Executive Order 13207 of April 5, 2001

Further Amendment to Executive Order 10000, Regulations Governing Additional Compensation and Credit Granted Certain Employees of the Federal Government Serving Outside the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that Executive Order 10000, as amended, is further amended as follows:

Section 1. Section 201 is amended:

(a) by striking ''(a)''; and

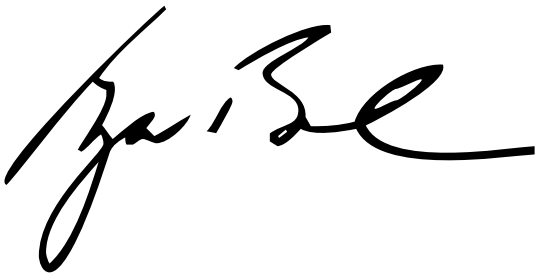
(b) by striking '', and (b) the words 'section 207 of the Act' have the meaning set forth in section 101 hereof.''

Sec. 2. Section 205 is amended by striking ''(a)'' and by striking subsection (b).

Sec. 3. Section 210 is amended:

(a) by striking '', but at least annually,'' and

(b) by striking ''if program or methodology revisions would substantially reduce an established differential or allowance rate, then''.



THE WHITE HOUSE,
April 5, 2001.

[FR Doc. 01–8836
Filed 4–6–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13208

Amendment to Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects

Signed: April 6, 2001

Federal Register page and date: 66 FR 18399, April 9, 2001

Amends: EO 13202, February 17, 2001

Federal Register
Vol. 66, No. 70
Wednesday, April 11, 2001

Presidential Documents

Title 3—

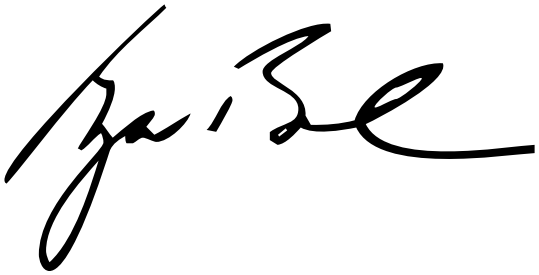
The President

Executive Order 13208 of April 6, 2001

Amendment to Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 471 *et seq.*, and in order to (1) promote and ensure open competition on Federal and federally funded or assisted construction projects; (2) maintain Government neutrality towards Government contractors' labor relations on Federal and federally funded or assisted construction projects; (3) reduce construction costs to the Federal Government and to the tax payers; (4) expand job opportunities, especially for small and disadvantaged businesses; (5) prevent discrimination against Government contractors or their employees based upon labor affiliation or lack thereof; and (6) prevent the inefficiency that may result from the disruption of a previously established contractual relationship in particular cases; thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects, it is hereby ordered that Executive Order 13202 of February 17, 2001, is amended by adding to section 5 of that order the following new subsection:

(c) The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of the foregoing, may exempt a particular project from the requirements of any or all of the provisions of sections 1 and 3 of this order, if the agency head finds: (i) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of the foregoing had issued or was a party to, as of the date of this order, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in sections 1(a) or (b) of this order; and (ii) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of this order.



THE WHITE HOUSE,
April 6, 2001.

[FR Doc. 01–9086
Filed 4–10–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13209

Amendment to Executive Order 13183, Establishment of the President's Task Force on Puerto Rico's Status

Signed: April 30, 2001

Federal Register page and date: 66 FR 22105, May 2, 2001

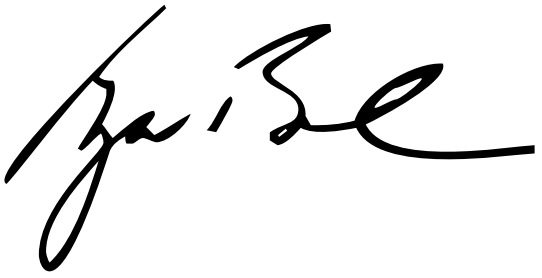
Amends: EO 13183, December 23, 2000

Presidential Documents

Executive Order 13209 of April 30, 2001

Amendment to Executive Order 13183, Establishment of the President's Task Force on Puerto Rico's Statis

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to extend by 3 months the time in which the President's Task Force on Puerto Rico's Status is to report to the President as directed in Executive Order 13183 of December 23, 2000, it is hereby ordered that section 4 of Executive Order 13183 is amended by deleting ''May 1, 2001'' and inserting in lieu thereof ''August 1, 2001''.



THE WHITE HOUSE,
April 30, 2001.

[FR Doc. 01–11210
Filed 5–1–01; 9:07 am]
Billing code 3195–01–P

Executive Order 13210
President's Commission To Strengthen Social Security

Signed: May 2, 2001
Federal Register page and date: 66 FR 22895, May 4, 2001
Revoked by: EO 13316, September 17, 2003

Federal Register

Friday,
May 4, 2001

Part III

The President

Executive Order 13210—President's Commission To Strengthen Social Security

Federal Register
Vol. 66, No. 87
Friday, May 4, 2001

Presidential Documents

Title 3—

The President

Executive Order 13210 of May 2, 2001

President's Commission To Strengthen Social Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and to preserve Social Security for senior Americans while building wealth for younger Americans, it is hereby ordered as follows:

Section 1. *Establishment.* There is established the President's Commission to Strengthen Social Security (Commission).

Sec. 2. *Membership.* The Commission shall be composed of sixteen members appointed by the President, of which no more than eight shall be members of the same political party. The President shall also designate two members of the Commission to act as co-chairs. The two co-chairs shall not be members of the same political party.

Sec. 3. *Mission.* The mission of the Commission shall be to submit to the President bipartisan recommendations to modernize and restore fiscal soundness to the Social Security system according to the following principles:
(a) Modernization must not change Social Security benefits for retirees or near-retirees;

(b) The entire Social Security surplus must be dedicated to Social Security only;

(c) Social Security payroll taxes must not be increased;

(d) Government must not invest Social Security funds in the stock market;

(e) Modernization must preserve Social Security's disability and survivors components; and

(f) Modernization must include individually controlled, voluntary personal retirement accounts, which will augment the Social Security safety net.

Sec. 4. *Administration.* (a) The Social Security Administration shall, to the extent permitted by law, provide administrative support and funding for the Commission.

(b) Members of the Commission shall serve without any compensation for their work on the Commission. Members appointed from among private citizens of the United States, however, while engaged in the work of the Commission, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707), to the extent funds are available.

(c) The Commission shall have a staff headed by an Executive Director, who shall be selected by the President. To the extent permitted by law, office space, analytical support, and additional staff support for the Commission shall be provided by executive branch departments and agencies as directed by the President.

(d) The Commission shall receive input from and provide briefings to the Congress, by procedures determined by the President in consultation with the congressional leadership and the Commission. Public hearings shall be held at the call of the co-chairs, in consultation with the President.

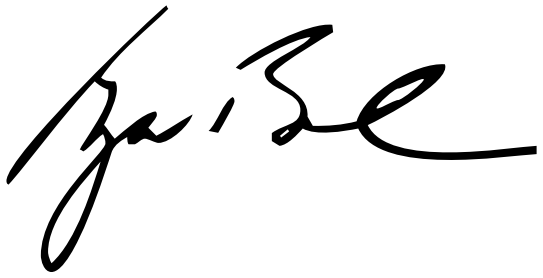
(e) The functions of the President under the Federal Advisory Committee Act, as amended, except for those in section 6 of that Act, that are applicable to the Commission, shall be performed by the Social Security Administration,

in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 5. *Reports.* The Commission shall submit reports to the President as follows: (a) *Interim Report.* An interim report shall describe the challenges facing the Social Security system and the criteria by which the Commission will evaluate reform proposals. These criteria may include but are not limited to: solvency, sustainability, benefit adequacy, fair treatment across generations and demographic groups, total annual cost obligations, net impact on the Federal budget, impact upon national savings, impact on workforce participation, impact on employer-provided pension plans, rates of return, and protections against poverty.

(b) *Final Report.* The final report will set forth the Commission's recommendations, in accordance with its stated mission in section 3 of this order, regarding how to strengthen Social Security with personal accounts. The Commission shall submit its final report during the fall of 2001. The submission date shall be determined by the co-chairs in consultation with the President.

Sec. 6. *Termination.* The Commission shall terminate 30 days after submitting its final report.



THE WHITE HOUSE,
May 2, 2001.

[FR Doc. 01–11505
Filed 5–3–01; 10:58 am]
Billing code 3195–01–P

Executive Order 13211

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Signed: May 18, 2001

Federal Register page and date: 66 FR 28355, May 22, 2001

Presidential Documents

Executive Order 13211 of May 18, 2001

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to appropriately weigh and consider the effects of the Federal Government's regulations on the supply, distribution, and use of energy, it is hereby ordered as follows:

Section 1. *Policy.* The Federal Government can significantly affect the supply, distribution, and use of energy. Yet there is often too little information regarding the effects that governmental regulatory action can have on energy. In order to provide more useful energy-related information and hence improve the quality of agency decisionmaking, I am requiring that agencies shall prepare a Statement of Energy Effects when undertaking certain agency actions. As described more fully below, such Statements of Energy Effects shall describe the effects of certain regulatory actions on energy supply, distribution, or use.

Sec. 2. *Preparation of a Statement of Energy Effects.* (a) To the extent permitted by law, agencies shall prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for those matters identified as significant energy actions.

(b) A Statement of Energy Effects shall consist of a detailed statement by the agency responsible for the significant energy action relating to:

(i) any adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increased use of foreign supplies) should the proposal be implemented, and

(ii) reasonable alternatives to the action with adverse energy effects and the expected effects of such alternatives on energy supply, distribution, and use.

(c) The Administrator of the Office of Information and Regulatory Affairs shall provide guidance to the agencies on the implementation of this order and shall consult with other agencies as appropriate in the implementation of this order.

Sec. 3. *Submission and Publication of Statements.* (a) Agencies shall submit their Statements of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, whenever they present the related submission under Executive Order 12866 of September 30, 1993, or any successor order.

(b) Agencies shall publish their Statements of Energy Effects, or a summary thereof, in each related Notice of Proposed Rulemaking and in any resulting Final Rule.

Sec. 4. *Definitions.* For purposes of this order:

(a) ''Regulation'' and ''rule'' have the same meaning as they do in Executive Order 12866 or any successor order.

(b) ''Significant energy action'' means any action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking:

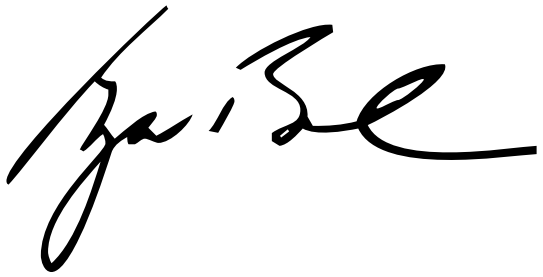
(1)(i) that is a significant regulatory action under Executive Order 12866 or any successor order, and

(ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or

(2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

(c) ''Agency'' means any authority of the United States that is an ''agency'' under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

Sec. 5. *Judicial Review.* Nothing in this order shall affect any otherwise available judicial review of agency action. This order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.



THE WHITE HOUSE,
May 18, 2001.

[FR Doc. 01–13116
Filed 5–21–01; 10:19 am]
Billing code 3195–01–P

Executive Order 13212
Actions To Expedite Energy-Related Projects

Signed: May 18, 2001
Federal Register page and date: 66 FR 28357, May 22, 2001
Amended by: EO 13286, February 28, 2003; EO 13302, May 15, 2003
See: EO 13337, April 30, 2004

Presidential Documents

Executive Order 13212 of May 18, 2001

Actions To Expedite Energy-Related Projects

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to take additional steps to expedite the increased supply and availability of energy to our Nation, it is hereby ordered as follows:

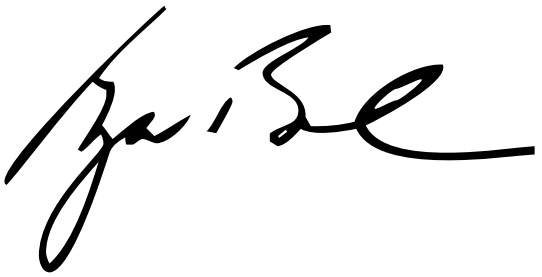
Section 1. *Policy.* The increased production and transmission of energy in a safe and environmentally sound manner is essential to the well-being of the American people. In general, it is the policy of this Administration that executive departments and agencies (agencies) shall take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production, transmission, or conservation of energy.

Sec. 2. *Actions to Expedite Energy-Related Projects.* For energy-related projects, agencies shall expedite their review of permits or take other actions as necessary to accelerate the completion of such projects, while maintaining safety, public health, and environmental protections. The agencies shall take such actions to the extent permitted by law and regulation, and where appropriate.

Sec. 3. *Interagency Task Force.* There is established an interagency task force (Task Force) to monitor and assist the agencies in their efforts to expedite their review of permits or similar actions, as necessary, to accelerate the completion of energy-related projects, increase energy production and conservation, and improve transmission of energy. The Task Force also shall monitor and assist agencies in setting up appropriate mechanisms to coordinate Federal, State, tribal, and local permitting in geographic areas where increased permitting activity is expected. The Task Force shall be composed of representatives from the Departments of State, the Treasury, Defense, Agriculture, Housing and Urban Development, Justice, Commerce, Transportation, the Interior, Labor, Education, Health and Human Services, Energy, Veterans Affairs, the Environmental Protection Agency, Central Intelligence Agency, General Services Administration, Office of Management and Budget, Council of Economic Advisers, Domestic Policy Council, National Economic Council, and such other representatives as may be determined by the Chairman of the Council on Environmental Quality. The Task Force shall be chaired by the Chairman of the Council on Environmental Quality and housed at the Department of Energy for administrative purposes.

Sec. 4. *Judicial Review.* Nothing in this order shall affect any otherwise available judicial review of agency action. This order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law

or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.



THE WHITE HOUSE,
May 18, 2001.

[FR Doc. 01–13117
Filed 5–21–01; 10:19 am]
Billing code 3195–01–P

Executive Order 13213

Additional Measures With Respect To Prohibiting the Importation of Rough Diamonds From Sierra Leone

Signed: May 22, 2001

Federal Register page and date: 66 FR 28829, May 24, 2001

Amends: EO 13194, January 18, 2001

See: Notice of January 15, 2002; Notice of January 16, 2003; EO 13312, July 29, 2003

Revoked by: EO 13324, January 15, 2004

Federal Register

Thursday,
May 24, 2001

Part VI

The President

Executive Order 13213—Additional Measures With Respect To Prohibiting the Importation of Rough Diamonds From Sierra Leone

Federal Register
Vol. 66, No. 101
Thursday, May 24, 2001

Presidential Documents

Title 3—

The President

Executive Order 13213 of May 22, 2001

Additional Measures With Respect To Prohibiting the Importation of Rough Diamonds From Sierra Leone

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of the national emergency described and declared in Executive Order 13194 of January 18, 2001, and United Nations Security Council Resolutions 1306 of July 5, 2000, and 1343 of March 7, 2001,

I, GEORGE W. BUSH, President of the United States of America, take note that in Executive Order 13194, the President responded to, among other things, the insurgent Revolutionary United Front's (RUF) illicit trade in diamonds to fund its operations in the civil war in Sierra Leone by declaring a national emergency and, consistent with United Nations Security Council Resolution 1306, by prohibiting the importation into the United States of all rough diamonds from Sierra Leone except for those importations controlled through the Certificate of Origin regime of the Government of Sierra Leone. United Nations Security Council Resolution 1343 takes note that the bulk of RUF diamonds leaves Sierra Leone through Liberia and that such illicit trade cannot be conducted without the permission and involvement of Liberian government officials at the highest levels; determines that the active support provided by the Government of Liberia for the RUF and other armed rebel groups in neighboring countries constitutes a threat to international peace and security in the region; and decides that all states shall take the necessary measures to prevent the importation of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia. The Government of Liberia's complicity in the RUF's illicit trade in diamonds and its other forms of support for the RUF are direct challenges to United States foreign policy objectives in the region as well as to the rule-based international order that is crucial to the peace and prosperity of the United States. Therefore, I find these actions by the Government of Liberia contribute to the unusual and extraordinary threat to the foreign policy of the United States described in Executive Order 13194 with respect to which the President declared a national emergency. In order to deal with that threat and to ensure further that the direct or indirect importation into the United States of rough diamonds from Sierra Leone will not contribute financial support to further aggressive actions by the RUF or to the RUF's procurement of weapons; to implement United Nations Security Council Resolution 1343; and to counteract, among other things, the Government of Liberia's facilitation of and participation in the RUF's illicit trade in diamonds through Liberia, I hereby order the following additional measures be taken with respect to prohibiting the importation of rough diamonds from Sierra Leone:

Section 1. Except to the extent provided in regulations, orders, directives, or licenses issued pursuant to this order, and notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any license or permit granted prior to the effective date of this order, the direct or indirect importation into the United States of all rough diamonds from Liberia, whether or not such

diamonds originated in Liberia, on or after the effective date of this order is prohibited.

Sec. 2. Any transaction by a United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited. Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

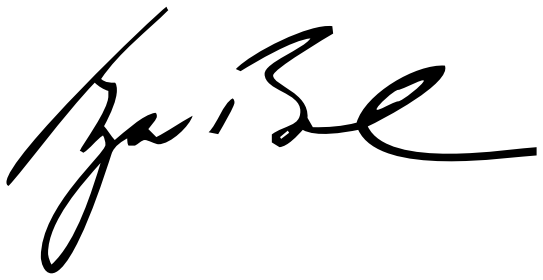
Sec. 3. The definitions contained in section 4 of Executive Order 13194 apply to the terms used in this order.

Sec. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order, including modification, suspension, or termination of licenses or authorizations in effect as of the date of this order.

Sec. 5. This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any other person.

Sec. 6. (a) This order is effective at 12:01 a.m. eastern daylight time on May 23, 2001.

(b) This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
May 22, 2001.

[FR Doc. 01–13381
Filed 05–23–01; 12:03 pm]
Billing code 3195–01–P

Executive Order 13214
President's Task Force To Improve Health Care Delivery for Our Nation's Veterans

Signed: May 28, 2001
Federal Register page and date: 66 FR 29447, May 31, 2001
Revoked by: EO 13316, September 17, 2003

Presidential Documents

Executive Order 13214 of May 28, 2001

President's Task Force To Improve Health Care Delivery for Our Nation's Veterans

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and in order to provide prompt and efficient access to consistently high quality health care for veterans who have served the Nation, it is hereby ordered as follows:

Section 1. *Establishment.* There is established the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans (Task Force).

Sec. 2. *Membership.* The Task Force shall be comprised of 15 members appointed by the President. Two of the 15 members shall serve as co-chairs of the Task Force. The Task Force membership shall include health care experts, officials familiar with Department of Veterans Affairs and Department of Defense health care systems, and representatives from veteran and military service organizations.

Sec. 3. *Mission.* The mission of the Task Force shall be to:

(a) identify ways to improve benefits and services for Department of Veterans Affairs beneficiaries and Department of Defense military retirees who are also eligible for benefits from the Department of Veterans Affairs through better coordination of the activities of the two departments;

(b) review barriers and challenges that impede Department of Veterans Affairs and Department of Defense coordination, including budgeting processes, timely billing, cost accounting, information technology, and reimbursement. Identify opportunities to improve such business practices to ensure high quality and cost effective health care; and

(c) identify opportunities for improved resource utilization through partnership between the Department of Veterans Affairs and the Department of Defense to maximize the use of resources and infrastructure, including: buildings, information technology and data sharing systems, procurement of supplies, equipment and services, and delivery of care.

Sec. 4. *Administration.*

(a) The Department of Veterans Affairs shall, to the extent permitted by law, provide administrative support and funding for the Task Force.

(b) Members of the Task Force shall serve without any compensation for their work on the Task Force. Members appointed from among private citizens of the United States, however, while engaged in the work of the Task Force, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707), to the extent funds are available.

(c) The co-chairs of the Task Force shall appoint an Executive Director to coordinate administration of the Task Force. To the extent permitted by law, office space, analytical support, and additional staff support for the Commission shall be provided by executive branch departments and agencies as directed by the President.

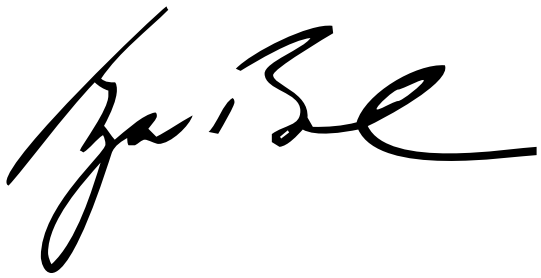
(d) The heads of the executive branch departments and agencies shall, to the extent permitted by law, provide the Task Force with information as requested by the co-chairs.

(e) At the call of the co-chairs, the Task Force shall meet as necessary to accomplish its mission.

(f) The functions of the President under the Federal Advisory Committee Act, as amended, except for those in section 6 of that Act, that are applicable to the Task Force, shall be performed by the Department of Veterans Affairs, in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 5. *Reports.* The Task Force shall report its findings and recommendations to the President, through the Secretary of Veterans Affairs and Secretary of Defense. The Task Force shall issue an interim report in 9 months from the date of the first meeting of the Task Force. The Task Force shall issue a final report prior to the end of the second year of operation.

Sec. 6. *Termination.* The Task Force shall terminate 30 days after submitting its final report, but no later than 2 years from the date of this order.



THE WHITE HOUSE,
May 28, 2001.

[FR Doc. 01–13869
Filed 5–30–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13215

President's Information Technology Advisory Committee, Further Amendment to Executive Order 13035, as Amended

Signed: May 31, 2001

Federal Register page and date: 66 FR 30285, June 5, 2001

Amends: EO 13035, February 11, 1997

See: EO 13092, July 24, 1998; EO 13113, February 10, 1999; EO 13200, February 11, 2001

Federal Register

Tuesday,
June 5, 2001

Part IV

The President

Executive Order 13215—President's Information Technology Advisory Committee, Further Amendment to Executive Order 13035, as Amended

Federal Register
Vol. 66, No. 108
Tuesday, June 5, 2001

Presidential Documents

Title 3—

The President

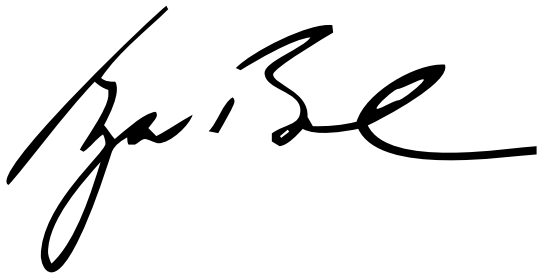
Executive Order 13215 of May 31, 2001

President's Information Technology Advisory Committee, Further Amendment to Executive Order 13035, as Amended

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the High-Performance Computing Act of 1991 (Public Law 102–194), as amended by the Next Generation Internet Research Act of 1998 (Public Law 105–305), and in order to extend the life of the President's Information Technology Advisory Committee so that it may continue to carry out its responsibilities, it is hereby ordered that Executive Order 13035 of February 11, 1997, as amended by Executive Orders 13092, 13113, and 13200 (Executive Order 13035, as amended), is further amended as follows:

Section 1. Section 1 of Executive Order 13035, as amended, is further amended by deleting the last sentence and inserting in lieu thereof: ''Members appointed prior to June 1, 2001, shall serve until December 1, 2001, unless reappointed by the President. Members appointed or reappointed on or after June 1, 2001, shall serve for no more than 2 years from the date of their appointment, unless their period of service is extended by the President. The President shall designate two co-chairs from among the members of the Committee. A co-chair may serve for a term of 2 years or until the end of his or her service as a member of the Committee, whichever is the shorter period.''

Sec. 2. Section 4(b) of Executive Order 13035, as amended, is further amended by deleting ''June 1, 2001,'' and inserting in lieu thereof: ''June 1, 2003.''



THE WHITE HOUSE,
May 31, 2001.

[FR Doc. 01–14319
Filed 6–4–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13216

Amendment to Executive Order 13125, Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs

Signed: June 6, 2001

Federal Register page and date: 66 FR 31373, June 11, 2001

Amends: EO 13125, June 7, 1999

Presidential Documents

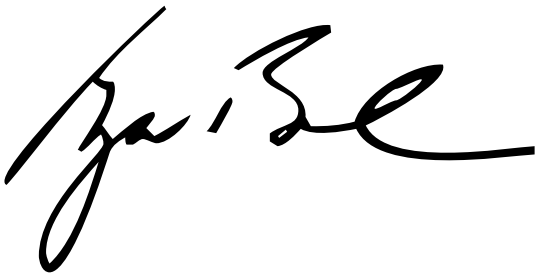
Executive Order 13216 of June 6, 2001

Amendment to Executive Order 13125, Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs

By the authority vested in me as President by the Constitution and the laws of the United States of America and in order to change the title of Executive Order 13125 of June 7, 1999, and to extend by 2 years the President's Advisory Commission on Asian Americans and Pacific Islanders that was created by Executive Order 13125, it is hereby ordered as follows:

Section 1. The title of Executive Order 13125 is deleted and the following title is inserted in lieu thereof: ''Increasing Opportunity and Improving Quality of Life of Asian Americans and Pacific Islanders.''

Sec. 2. Section 9 of Executive Order 13125 is amended by deleting ''2 years after the date of this Executive order unless the Commission is renewed by the President prior to the end of that 2-year period'' and inserting in lieu thereof ''on June 7, 2003, unless renewed by the President prior to that date.''



THE WHITE HOUSE,
June 6, 2001.

[FR Doc. 01–14862
Filed 6–8–01; 10:54 am]
Billing code 3195–01–P

Executive Order 13217
Community-Based Alternatives for Individuals With Disabilities

Signed: June 18, 2001
Federal Register page and date: 66 FR 33155, June 21, 2001

Federal Register
Vol. 66, No. 120
Thursday, June 21, 2001

Presidential Documents

Title 3—

The President

Executive Order 13217 of June 18, 2001

Community-Based Alternatives for Individuals With Disabilities

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to place qualified individuals with disabilities in community settings whenever appropriate, it is hereby ordered as follows:

Section 1. *Policy.* This order is issued consistent with the following findings and principles:

(a) The United States is committed to community-based alternatives for individuals with disabilities and recognizes that such services advance the best interests of Americans.

(b) The United States seeks to ensure that America's community-based programs effectively foster independence and participation in the community for Americans with disabilities.

(c) Unjustified isolation or segregation of qualified individuals with disabilities through institutionalization is a form of disability-based discrimination prohibited by Title II of the Americans With Disabilities Act of 1990 (ADA), 42 U.S.C. 12101 *et. seq.* States must avoid disability-based discrimination unless doing so would fundamentally alter the nature of the service, program, or activity provided by the State.

(d) In *Olmstead v. L.C.*, 527 U.S. 581 (1999) (the ''*Olmstead* decision''), the Supreme Court construed Title II of the ADA to require States to place qualified individuals with mental disabilities in community settings, rather than in institutions, whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement, and the State can reasonably accommodate the placement, taking into account the resources available to the State and the needs of others with disabilities.

(e) The Federal Government must assist States and localities to implement swiftly the *Olmstead* decision, so as to help ensure that all Americans have the opportunity to live close to their families and friends, to live more independently, to engage in productive employment, and to participate in community life.

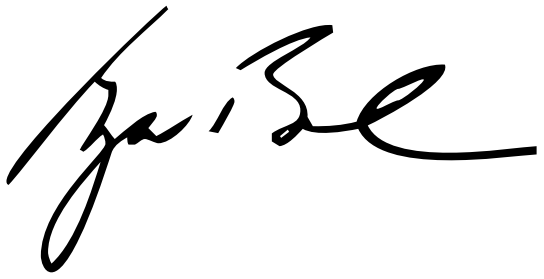
Sec. 2. *Swift Implementation of the Olmstead Decision: Agency Responsibilities.* (a) The Attorney General, the Secretaries of Health and Human Services, Education, Labor, and Housing and Urban Development, and the Commissioner of the Social Security Administration shall work cooperatively to ensure that the *Olmstead* decision is implemented in a timely manner. Specifically, the designated agencies should work with States to help them assess their compliance with the *Olmstead* decision and the ADA in providing services to qualified individuals with disabilities in community-based settings, as long as such services are appropriate to the needs of those individuals. These agencies should provide technical guidance and work cooperatively with States to achieve the goals of Title II of the ADA, particularly where States have chosen to develop comprehensive, effectively working plans to provide services to qualified individuals with disabilities in the most integrated settings. These agencies should also ensure that existing Federal resources are used in the most effective manner to support the goals of the ADA. The Secretary of Health and Human Services shall take the lead in coordinating these efforts.

(b) The Attorney General, the Secretaries of Health and Human Services, Education, Labor, and Housing and Urban Development, and the Commissioner of the Social Security Administration shall evaluate the policies, programs, statutes, and regulations of their respective agencies to determine whether any should be revised or modified to improve the availability of community-based services for qualified individuals with disabilities. The review shall focus on identifying affected populations, improving the flow of information about supports in the community, and removing barriers that impede opportunities for community placement. The review should ensure the involvement of consumers, advocacy organizations, providers, and relevant agency representatives. Each agency head should report to the President, through the Secretary of Health and Human Services, with the results of their evaluation within 120 days.

(c) The Attorney General and the Secretary of Health and Human Services shall fully enforce Title II of the ADA, including investigating and resolving complaints filed on behalf of individuals who allege that they have been the victims of unjustified institutionalization. Whenever possible, the Department of Justice and the Department of Health and Human Services should work cooperatively with States to resolve these complaints, and should use alternative dispute resolution to bring these complaints to a quick and constructive resolution.

(d) The agency actions directed by this order shall be done consistent with this Administration's budget.

Sec. 3. *Judicial Review.* Nothing in this order shall affect any otherwise available judicial review of agency action. This order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.



THE WHITE HOUSE,
June 18, 2001.

[FR Doc. 01–15758
Filed 6–20–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13218
21st Century Workforce Initiative

Signed: June 20, 2001
Federal Register page and date: 66 FR 33627, June 22, 2001
Amends: EO 13111, January 12, 1999
Revokes: EO 13174, October 27, 2000
See: EO 13316, September 17, 2003

Federal Register

Friday,
June 22, 2001

Part V

The President

Executive Order 13218—21st Century Workforce Initiative

Federal Register
Vol. 66, No. 121
Friday, June 22, 2001

Presidential Documents

Title 3—

The President

Executive Order 13218 of June 20, 2001

21st Century Workforce Initiative

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and in order to promote the study and the development of strategies to address the needs of the 21st century workforce, it is hereby ordered as follows:

Section 1. *Establishment of the Office of the 21st Century Workforce.* (a) The Secretary of Labor is hereby directed to establish within the Department of Labor the Office of the 21st Century Workforce. The Office shall provide a focal point for the identification and study of issues relating to the workforce of the United States and the development of strategies for effectively addressing such issues.

(b) The Office of the 21st Century Workforce shall gather and disseminate information relating to workforce issues by conducting summits, conferences, field hearings, meetings, and other appropriate forums designed to encourage the participation of organizations and individuals interested in such issues, including business and labor organizations, academicians, employers, employees, and public officials at the local, State, and Federal levels.

(c) Among the issues to be addressed by the Office of the 21st Century Workforce shall be the identification of the ways in which the Department of Labor may streamline and update the information and services made available to the workforce by the Department; eliminate duplicative or overlapping rules and regulations; and eliminate statutory and regulatory barriers to assisting the workforce in successfully adapting to the challenges of the 21st century.

Sec. 2. *Establishment of the Council on the 21st Century Workforce.*

(a) *Establishment and Composition of the Council.*

(i) There is hereby established the ''President's Council on the 21st Century Workforce'' (Council).

(ii) The Council shall be composed of not more than 13 members who shall be appointed by the President. The membership shall include individuals who represent the views of business and labor organizations, Federal, State, and local governments, academicians and educators, and such other associations and entities as the President determines are appropriate. In addition, the Secretary of Labor and the Director of the Office of Personnel Management shall serve as ex officio members representing the views of the Federal Government. The Secretary of Labor shall be the Chairperson of the Council.

(b) *Functions of the Council.* The Council shall provide information and advice to the President through the Secretary of Labor, the Office of the 21st Century Workforce within the Department of Labor, and other appropriate Federal officials relating to issues affecting the 21st century workforce. These activities shall include:

(i) assessing the effects of rapid technological changes, demographic trends, globalization, changes in work processes, and the need for new and enhanced skills for workers, employers, and other related sectors of society;

(ii) examining current and alternative approaches to assisting workers and employers in adjusting to and benefitting from such changes, including

opportunities for workplace education, retraining, access to assistive technologies and workplace supports, and skills upgrading;

(iii) identifying impediments to the adjustment to such changes by workers and employers and recommending approaches and policies that could remove those impediments;

(iv) assisting the Office of the 21st Century Workforce in reviewing programs carried out by the Department of Labor and identifying changes to such programs that would stream line and update their effectiveness in meeting the needs of the workforce; and

(v) analyzing such additional issues relating to the workforce and making such reports as the President or the Secretary of Labor may request.

(c) *Administration of the Council.*

(i) The Council shall meet on the call of the Chairperson, at a time and place designated by the Chairperson. The Chairperson may form subcommittees or working groups within the Council to address particular matters.

(ii) The Council may from time to time prescribe such procedures and policies relating to the activities of the Council as are not inconsistent with law or with the provisions of this order.

(iii) Each member of the Council who is not an officer or employee of the Federal Government shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Federal service (5 U.S.C. 5701–5707).

(iv) The Department of Labor shall make available appropriate funding and administrative support to assist the Council in carrying out the functions under this section, including necessary office space, equipment, supplies, staff, and services. The Secretary of Labor shall perform the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App.), as amended, except that of reporting to the Congress, with respect to the Council in accordance with the guidelines and procedures established by the Administrator of General Services.

(v) The heads of executive agencies shall, to the extent permitted by law, provide the Council with such information as it may require for purposes of carrying out the functions described in this section.

(d) *Termination of the Council.* The Council shall terminate 2 years from the date of this order unless extended by the President prior to such date.

Sec. 3. *Effect on Prior Orders.*

(a) *Amendments to Executive Order 13111 of January 12, 1999.* In order to ensure the coordination and nonduplication of advice and information regarding 21st century workforce issues, section 6 of Executive Order 13111, relating to the functions of the Advisory Committee on Expanding Training Opportunities, is amended to read as follows:

''*Sec. 6. Functions of the Advisory Committee.* The Committee shall provide the President, through the Secretary of Labor (who shall ensure the coordination of the activities of the Committee with the activities undertaken pursuant to sections 1 and 2 of the Executive Order on the 21st Century Workforce Initiative), an independent assessment of:

(1) progress made by the Federal Government in its use and integration of technology in adult training programs, particularly in addressing the problems of adult illiteracy;

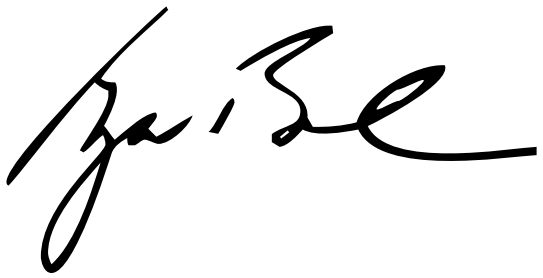
(2) how Federal Government programs, initiatives, and policies can encourage or accelerate training technology to provide more accessible, more timely, and more cost- effective training opportunities for all Americans;

(3) mechanisms for the Federal Government to widely deploy and utilize technology-mediated instruction so all Americans may take advantage of opportunities provided by learning technology;

(4) the appropriate Federal Government role in research and development for learning technologies and their applications in order to develop high-quality training and education opportunities for all Americans; and

(5) such other issues regarding emerging technologies in government training as specified by the Secretary of Labor.''

(b) *Revocation of Executive Order 13174.* Executive Order 13174 of October 27, 2000, relating to the establishment of the Commission on Workers, Communities, and Economic Change in the New Economy, is revoked.



THE WHITE HOUSE,
June 20, 2001.

[FR Doc. 01–15958
Filed 6–21–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13219

Blocking Property of Persons Who Threaten International Stabilization Efforts in the Western Balkans

Signed: June 26, 2001

Federal Register page and date: 66 FR 34775, June 29, 2001

Amended by: EO 13304, May 28, 2003

See: Notice of June 20, 2003 (68 FR 37389); Notice of June 24, 2004 (69 FR 36003)

Presidential Documents

Executive Order 13219 of June 26, 2001

Blocking Property of Persons Who Threaten International Stabilization Efforts in the Western Balkans

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, have determined that the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, southern Serbia, the Federal Republic of Yugoslavia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, threaten the peace in or diminish the security and stability of those areas and the wider region, undermine the authority, efforts, and objectives of the United Nations, the North Atlantic Treaty Organization (NATO), and other international organizations and entities present in those areas and the wider region, and endanger the safety of persons participating in or providing support to the activities of those organizations and entities, including United States military forces and Government officials. I find that such actions constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and hereby declare a national emergency to deal with that threat. I hereby order:

Section 1. (a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106–387), and in regulations, orders, directives, or licenses that may hereafter be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, all property and interests in property of:

(i) the persons listed in the Annex to this order; and

(ii) persons designated by the Secretary of the Treasury, in consultation with the Secretary of State, because they are found:

(A) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of threatening the peace in or diminishing the stability or security of any area or state in the Western Balkans region, undermining the authority, efforts, or objectives of international organizations or entities present in the region, or endangering the safety of persons participating in or providing support to the activities of those international organizations or entities, or,

(B) to have actively obstructed, or to pose a significant risk of actively obstructing, implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 in Kosovo, or

(C) materially to assist in, sponsor, or provide financial or technological support for, or goods or services in support of, such acts of violence or obstructionism, or

(D) to be owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any of the foregoing persons, that are

or hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to persons designated in or pursuant to paragraph (a) of this section would seriously impair my ability to deal with the national emergency declared in this order. Accordingly, the blocking of property and interests in property pursuant to paragraph (a) of this section includes, but is not limited to, the prohibition of the making by a United States person of any such donation to any such designated person, except as otherwise authorized by the Secretary of the Treasury.

(c) The blocking of property and interests in property pursuant to paragraph (a) of this section includes, but is not limited to, the prohibition of the making or receiving by a United States person of any contribution or provision of funds, goods, or services to or for the benefit of a person designated in or pursuant to paragraph (a) of this section.

Sec. 2. Any transaction by a United States person that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited. Any conspiracy formed to violate the prohibitions of this order is prohibited.

Sec. 3. For the purposes of this order:

(a) The term ''person'' means an individual or entity;

(b) The term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization; and

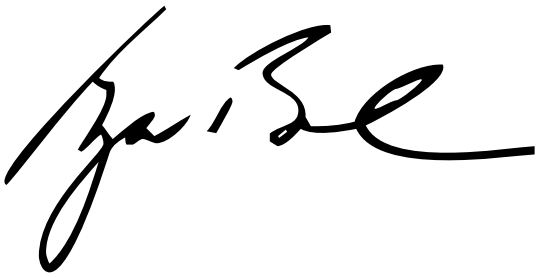
(c) The term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

Sec. 5. This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any other person.

Sec. 6. (a) This order is effective at 12:01 eastern daylight time on June 27, 2001;

(b) This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
June 26, 2001.

Billing code 3195–01–P

ANNEX

I. Individuals

Name/DPOB (If Available)	Affiliation
Ademi, Xhevat DOB: 8 Dec 1962 POB: Tetovo, FYROM	NLA
Ahmeti, Ali DOB: 4 Jan 1959 POB: Kicevo, FYROM	NLA
Bexheti, Nuri DOB: 1962 POB: Tetovo, FYROM	NLA
Dalipi, Tahir DOB: 1958 POB: Ilince, Presevo mun., FRY	PCPMB
Elshani, Gafur DOB: 29 March 1958 POB: Suva Reka, FRY	LPK
Gashi, Sabit DOB: 30 December 1967 POB: Suva Reka, FRY	LKCK
Habibi, Skender DOB: 13 July 1968 POB: Ljubiste, FRY	PDK
Haradinaj, Daut DOB: 6 April 1978 POB: Goldane, FRY	Chief of Staff, KPC
Hasani, Xhavit DOB: 5 May 1957 POB: Tanishec, FYROM	NLA
Lladrovici, Ramiz DOB: 3 January 1966 POB:	Deputy Commander, Guard & Rapid Reaction Group, KPC
Lushtaku, Sami DOB: 20 February 1961 POB: Srbica, FRY	RTG 2 Commander, KPC
Musliu, Jonusz DOB: 5 January 1959 POB: Konculj, FRY	PCPMB
Musliu, Shefqet DOB: 12 February 1963 POB: Konculj, FRY	UCPMB
Mustafa, Rrustem DOB: 27 February 1971 POB: Podujevo, FRY	RTG 6 Commander, KPC
Ostremi, Gezim DOB: 1 November 1942 POB: Debar, Macedonia	NLA
Selimi, Rexhep DOB: 15 March 1971 POB: Iglarevo, FRY	Commander, Guard & Rapid Reaction Group, KPC
Shakiri, Hisni DOB: 1 March 1949 POB: Otlja, FYROM	NLA
Shaqiri, Shaqir DOB: 1 September 1964 POB: FRY	UCPMB
Suma, Emrush DOB: 27 May 1974 POB: Dimce, FRY	NLA
Syla, Azem DOB: 5 April 1951 POB: FRY	PDK

Name/DPOB (If Available)	Affiliation
Veliu, Fazli DOB: 4 January 1945 POB: Kercove, FYROM	NLA
Xhemajli, Emrush DOB: 5 May 1959 POB: Urosevac, FRY	LPK
Xhemajli, Muhamet DOB: 8 February 1958 POB: Muhovac, FRY	UCPMB

II. Organizations

Liberation Army of Presevo, Medvedja, and Bujanovac (PMBLA a.k.a. UCPMB)

National Liberation Army (NLA a.k.a. UCK)

National Movement for the Liberation of Kosovo (LKCK)

Political Council of Presevo, Medvedja, and Bujanovac (PCPMB)

Popular Movement of Kosovo (LPK)

[FR Doc. 01–16668
Filed 6–28–01; 11:33 am]
Billing code 4710–10–M

Executive Order 13220
Waiver Under the Trade Act of 1974 With Respect to the Republic of Belarus

Signed: July 2, 2001
Federal Register page and date: 66 FR 35527, July 5, 2001

Federal Register

Thursday,
July 5, 2001

Part III

The President

Executive Order 13220—Waiver Under the Trade Act of 1974 With Respect to the Republic of Belarus

Federal Register
Vol. 66, No. 129
Thursday, July 5, 2001

Presidential Documents

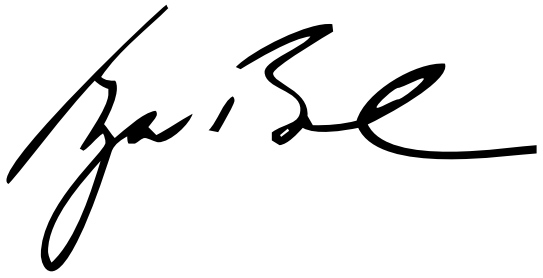
Title 3—

The President

Executive Order 13220 of July 2, 2001

Waiver Under the Trade Act of 1974 With Respect to the Republic of Belarus

By the authority vested in me as President by the Constitution and the laws of the United States of America, including subsection 402(c)(2) of the Trade Act of 1974, as amended (the ''Act'')(19 U.S.C. 2432(c)(2)), which continues to apply to the Republic of Belarus pursuant to subsection 402(d) of the Act (19 U.S.C. 2432(d)), and having made the report to the Congress required by subsection 402(c)(2), I hereby waive the application of subsections 402(a) and 402(b) of the Act with respect to the Republic of Belarus.



THE WHITE HOUSE,
July 2, 2001.

[FR Doc. 01–17041
Filed 7–3–01; 11:05 am]
Billing code 3195–01–P

Executive Order 13221
Energy Efficient Standby Power Devices

Signed: July 31, 2001
Federal Register page and date: 66 FR 40571, August 2, 2001

Federal Register

Thursday,
August 2, 2001

Part V

The President

Executive Order 13221—Energy Efficient Standby Power Devices

Federal Register
Vol. 66, No. 149
Thursday, August 2, 2001

Presidential Documents

Title 3—

The President

Executive Order 13221 of July 31, 2001

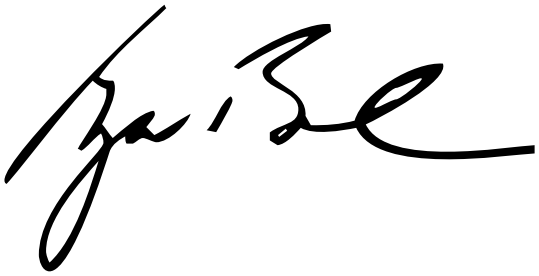
Energy Efficient Standby Power Devices

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Energy Conservation Policy Act (Public Law 95–619, 92 Stat. 3206, 42 U.S.C. 8252 *et seq.*), as amended by the Energy Policy Act of 1992 (EPACT) (Public Law 102–486, 106 Stat. 2776), and section 301 of title 3, United States Code, and in order to further encourage energy conservation by the Federal Government, it is hereby ordered as follows:

Section 1. *Energy Efficient Standby Power Devices.* Each agency, when it purchases commercially available, off-the-shelf products that use external standby power devices, or that contain an internal standby power function, shall purchase products that use no more than one watt in their standby power consuming mode. If such products are not available, agencies shall purchase products with the lowest standby power wattage while in their standby power consuming mode. Agencies shall adhere to these requirements, when life-cycle cost-effective and practicable and where the relevant product's utility and performance are not compromised as a result. By December 31, 2001, and on an annual basis thereafter, the Department of Energy, in consultation with the Department of Defense and the General Services Administration, shall compile a preliminary list of products to be subject to these requirements. The Department of Energy shall finalize the list and may remove products deemed inappropriate for listing.

Sec. 2. *Independent Agencies.* Independent agencies are encouraged to comply with the provisions of this order.

Sec. 3. *Definition.* ''Agency'' means an executive agency as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered by the Department of Defense.



THE WHITE HOUSE,
July 31, 2001.

[FR Doc. 01–19562
Filed 8–1–01; 11:04 am]
Billing code 3195–01–P

Executive Order 13222

Continuation of Export Control Regulations

Signed: August 17, 2001

Federal Register page and date: 66 FR 44025, August 22, 2001

See: EO 12002, July 7, 1977; EO 12214, May 2, 1980; EO 12735, November 16, 1990; EO 12755, March 12, 1991; EO 12851, June 11, 1993; EO 13026, November 15, 1996

Federal Register
Vol. 66, No. 163
Wednesday, August 22, 2001

Presidential Documents

Title 3—

The President

Executive Order 13222 of August 17, 2001

Continuation of Export Control Regulations

By the authority vested in me as President by the Constitution and the laws of the United States of America, including but not limited to section 203 of the International Emergency Economic Powers Act (''Act'') (50 U.S.C. 1702), I, GEORGE W. BUSH, President of the United States of America, find that the unrestricted access of foreign parties to U.S. goods and technology and the existence of certain boycott practices of foreign nations, in light of the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*), constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and hereby declare a national emergency with respect to that threat.

Accordingly, in order (a) to exercise the necessary vigilance over exports and activities affecting the national security of the United States; (b) to further significantly the foreign policy of the United States, including its policy with respect to cooperation by U.S. persons with certain foreign boycott activities, and to fulfill its international responsibilities; and (c) to protect the domestic economy from the excessive drain of scarce materials and reduce the serious economic impact of foreign demand, it is hereby ordered as follows:

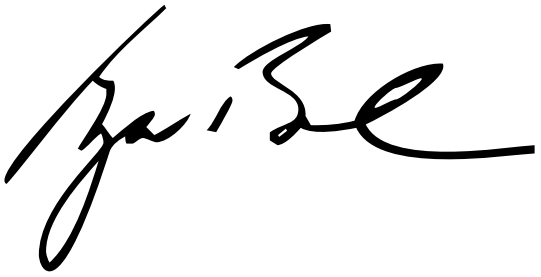
Section 1. To the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, and the provisions for administration of the Export Administration Act of 1979, as amended, shall be carried out under this order so as to continue in full force and effect and amend, as necessary, the export control system heretofore maintained by the Export Administration Regulations issued under the Export Administration Act of 1979, as amended. The delegations of authority set forth in Executive Order 12002 of July 7, 1977, as amended by Executive Order 12755 of March 12, 1991, and Executive Order 13026 of November 15, 1996; Executive Order 12214 of May 2, 1980; Executive Order 12735 of November 16, 1990; and Executive Order 12851 of June 11, 1993, shall be incorporated in this order and shall apply to the exercise of authorities under this order. All actions under this order shall be in accordance with Presidential directives relating to the export control system heretofore issued and not revoked.

Sec. 2. All rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, including those published in Title 15, Subtitle B, Chapter VII, Subchapter C, of the Code of Federal Regulations, Parts 730 through 774, and all orders, regulations, licenses, and other forms of administrative action issued, taken, or continued in effect pursuant thereto, shall, until amended or revoked by the Secretary of Commerce, remain in full force and effect as if issued or taken pursuant to this order, except that the provisions of sections 203(b)(2) and 206 of the Act (50 U.S.C. 1702(b)(2) and 1705) shall control over any inconsistent provisions in the regulations. Nothing in this section shall affect the continued applicability of administrative sanctions provided for by the regulations described above.

Sec. 3. Provisions for administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) may be made and shall continue in full force and effect until amended or revoked under the authority of section 203 of the Act (50 U.S.C. 1702). To the extent permitted by law, this

order also shall constitute authority for the issuance and continuation in full force and effect of all rules and regulations by the President or his delegate, and all orders, licenses, and other forms of administrative actions issued, taken, or continued in effect pursuant thereto, relating to the administration of section 38(e).

Sec. 4. This order shall be effective as of midnight between August 20, 2001, and August 21, 2001, eastern daylight time.



THE WHITE HOUSE,
August 17, 2001.

[FR Doc. 01–21338
Filed 8–21–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13223

Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation

Signed: September 14, 2001

Federal Register page and date: 66 FR 48201, September 18, 2001

Amended by: EO 13253, January 16, 2002; EO 13286, February 28, 2003

See: Proclamation 7463, September 14, 2001 (66 FR 48199, September 18, 2001); Notice of September 12, 2002 (67 FR 58317).

Presidential Documents

Executive Order 13223 of September 14, 2001

Ordering the Ready Reserve of the Armed Forces To Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and section 301 of title 3, United States Code, and in furtherance of the proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, which declared a national emergency by reason of the terrorist attacks on the World Trade Center, New York, New York, and the Pentagon, and the continuing and immediate threat of further attacks on the United States, I hereby order as follows:

Section 1. To provide additional authority to the Department of Defense and the Department of Transportation to respond to the continuing and immediate threat of further attacks on the United States, the authority under title 10, United States Code, to order any unit, and any member of the Ready Reserve not assigned to a unit organized to serve as a unit, in the Ready Reserve to active duty for not more than 24 consecutive months, is invoked and made available, according to its terms, to the Secretary concerned, subject in the case of the Secretaries of the Army, Navy, and Air Force, to the direction of the Secretary of Defense. The term ''Secretary concerned'' is defined in section 101(a)(9) of title 10, United States Code, to mean the Secretary of the Army with respect to the Army; the Secretary of the Navy with respect to the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Navy; the Secretary of the Air Force with respect to the Air Force; and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

Sec. 2. To allow for the orderly administration of personnel within the armed forces, the following authorities vested in the President are hereby invoked to the full extent provided by the terms thereof: section 527 of title 10, United States Code, to suspend the operation of sections 523, 525, and 526 of that title, regarding officer and warrant officer strength and distribution; and sections 123, 123a, and 12006 of title 10, United States Code, to suspend certain laws relating to promotion, involuntary retirement, and separation of commissioned officers; end strength limitations; and Reserve component officer strength limitations.

Sec. 3. To allow for the orderly administration of personnel within the armed forces, the authorities vested in the President by sections 331, 359, and 367 of title 14, United States Code, relating to the authority to order to active duty certain officers and enlisted members of the Coast Guard and to detain enlisted members, are invoked to the full extent provided by the terms thereof.

Sec. 4. The Secretary of Defense is hereby designated and empowered, without the approval, ratification, or other action by the President, to exercise the authority vested in the President by sections 123, 123a, 527, and 12006 of title 10, United States Code, as invoked by sections 2 and 3 of this order.

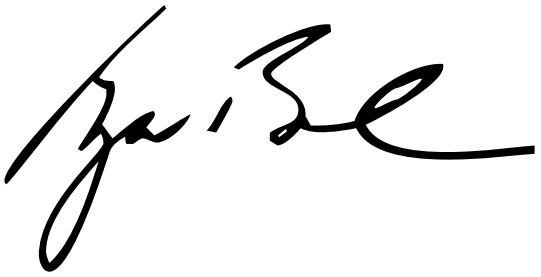
Sec. 5. The Secretary of Transportation is hereby designated and empowered, without the approval, ratification, or other action by the President, to exercise the authority vested in sections 331, 359, and 367 of title 14, United States Code, when the Coast Guard is not serving as part of the Navy, as invoked by section 2 of this order, to recall any regular officer or enlisted member on the retired list to active duty and to detain any enlisted member beyond the term of his or her enlistment.

Sec. 6. The authority delegated by this order to the Secretary of Defense and the Secretary of Transportation may be redelegated and further subdelegated to civilian subordinates who are appointed to their offices by the President, by and with the advice and consent of the Senate.

Sec. 7. Based upon my determination under 10 U.S.C. 2201(c) that it is necessary to increase (subject to limits imposed by law) the number of members of the armed forces on active duty beyond the number for which funds are provided in appropriation Acts for the Department of Defense, the Secretary of Defense may provide for the cost of such additional members as an excepted expense under section 11(a) of title 41, United States Code.

Sec. 8. This order is intended only to improve the internal management of the executive branch, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

Sec. 9. This order is effective immediately and shall be promptly transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
September 14, 2001.

[FR Doc. 01–23359
Filed 9–17–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13224

Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism

Signed: September 23, 2001

Federal Register page and date: 66 FR 49079, September 25, 2001

Amended by: EO 13268, July 2, 2002; EO 13284, January 23, 2003

See: Proclamation 7463, September 14, 2001 (66 FR 48199, September 18, 2001); Notice of September 19, 2002 (67 FR 59447); EO 13338, May 11, 2004

Federal Register

Tuesday,
September 25, 2001

Part IV

The President

Executive Order 13224—Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism

Notice of September 24, 2001—Continuation of Emergency With Respect to UNITA

Federal Register
Vol. 66, No. 186
Tuesday, September 25, 2001

Presidential Documents

Title 3—

The President

Executive Order 13224 of September 23, 2001

Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution (UNSCR) 1214 of December 8, 1998, UNSCR 1267 of October 15, 1999, UNSCR 1333 of December 19, 2000, and the multilateral sanctions contained therein, and UNSCR 1363 of July 30, 2001, establishing a mechanism to monitor the implementation of UNSCR 1333,

I, GEORGE W. BUSH, President of the United States of America, find that grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and the Pentagon committed on September 11, 2001, acts recognized and condemned in UNSCR 1368 of September 12, 2001, and UNSCR 1269 of October 19, 1999, and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and in furtherance of my proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, hereby declare a national emergency to deal with that threat. I also find that because of the pervasiveness and expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists. I also find that a need exists for further consultation and cooperation with, and sharing of information by, United States and foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism.

I hereby order:

Section 1. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States or that hereafter come within the United States, or that hereafter come within the possession or control of United States persons are blocked:

(a) foreign persons listed in the Annex to this order;

(b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States;

(c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order;

(d) except as provided in section 5 of this order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General;

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to this order or determined to be subject to this order; or

(ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order.

Sec. 2. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order;

(b) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited; and

(c) any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and

(d) the term ''terrorism'' means an activity that—

(i) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(ii) appears to be intended—

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

Sec. 4. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to persons determined to be subject to this order would seriously impair my ability to deal with the national emergency declared in this order, and would endanger Armed Forces of the United States that are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, and hereby prohibit such donations as provided by section 1 of this order. Furthermore, I hereby determine that the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106–387) shall not affect the imposition or the continuation of the imposition of any unilateral agricultural sanction or unilateral medical sanction on

any person determined to be subject to this order because imminent involvement of the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

Sec. 5. With respect to those persons designated pursuant to subsection 1(d) of this order, the Secretary of the Treasury, in the exercise of his discretion and in consultation with the Secretary of State and the Attorney General, may take such other actions than the complete blocking of property or interests in property as the President is authorized to take under IEEPA and UNPA if the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, deems such other actions to be consistent with the national interests of the United States, considering such factors as he deems appropriate.

Sec. 6. The Secretary of State, the Secretary of the Treasury, and other appropriate agencies shall make all relevant efforts to cooperate and coordinate with other countries, including through technical assistance, as well as bilateral and multilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of financing and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

Sec. 7. The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

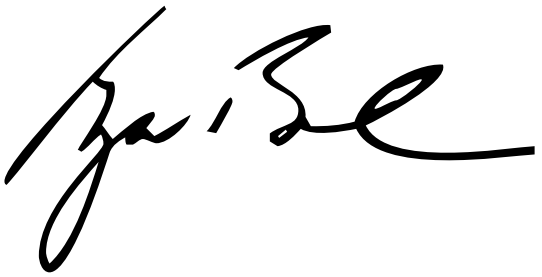
Sec. 8. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 9. Nothing contained in this order is intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees or any other person.

Sec. 10. For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 11. (a) This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

(b) This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
September 23, 2001.

Billing code 3195–01–P

ANNEX

Al Qaida/Islamic Army

Abu Sayyaf Group

Armed Islamic Group (GIA)

Harakat ul-Mujahidin (HUM)

Al-Jihad (Egyptian Islamic Jihad)

Islamic Movement of Uzbekistan (IMU)

Asbat al-Ansar

Salafist Group for Call and Combat (GSPC)

Libyan Islamic Fighting Group

Al-Itihaad al-Islamiya (AIAI)

Islamic Army of Aden

Usama bin Laden

Muhammad Atif (aka, Subhi Abu Sitta, Abu Hafs Al Masri)

Sayf al-Adl

Shaykh Sai'id (aka, Mustafa Muhammad Ahmad)

Abu Hafs the Mauritanian (aka, Mahfouz Ould al-Walid, Khalid Al-Shanqiti)

Ibn Al-Shaykh al-Libi

Abu Zubaydah (aka, Zayn al-Abidin Muhammad Husayn, Tariq)

Abd al-Hadi al-Iraqi (aka, Abu Abdallah)

Ayman al-Zawahiri

Thirwat Salah Shihata

Tariq Anwar al-Sayyid Ahmad (aka, Fathi, Amr al-Fatih)

Muhammad Salah (aka, Nasr Fahmi Nasr Hasanayn)

Makhtab Al-Khidamat/Al Kifah

Wafa Humanitarian Organization

Al Rashid Trust

Mamoun Darkazanli Import-Export Company

[FR Doc. 01–24205

Filed 9–24–01; 1:05 pm]

Billing code 4810–25–C

Executive Order 13225

Continuance of Certain Federal Advisory Committees

Signed: September 28, 2001

Federal Register page and date: 66 FR 50291, October 3, 2001

Continues: EO 11183, October 3, 1964; EO 11145, March 7, 1964; EO 11287, June 28, 1966; EO 12131, May 4, 1979; EO 12196, February 26, 1980; EO 12216, June 18, 1980; EO 12345, February 2, 1982; EO 12367, June 15, 1982; EO 12382, September 13, 1982; EO 12900, February 22, 1994; EO 12905, March 25, 1994; EO 12994, March 21, 1996; EO 13021, October 19, 1996

Revokes: EO 13075, February 19, 1998; EO 13080, April 7, 1998; EO 13090, June 29, 1998; EO 13134, August 12, 1999 (in part); EO 13168, September 22, 2000

Supersedes: EO 13138, September 30, 1999 (in part)

Superseded by: EO 13316, September 17, 2003

Presidential Documents

Executive Order 13225 of September 28, 2001

Continuance of Certain Federal Advisory Committees

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. Each advisory committee listed below is continued until September 30, 2003.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).

(b) Federal Advisory Council on Occupational Safety and Health; Executive Order 12196, as amended (Department of Labor).

(c) President's Advisory Commission on Educational Excellence for Hispanic Americans; Executive Order 12900 (Department of Education).

(d) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 13021, as amended, (Department of Education).

(e) President's Board of Advisors on Tribal Colleges and Universities; Executive Order 13021, as amended (Department of Education).

(f) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).

(g) President's Committee on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).

(h) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).

(i) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation).

(j) President's Committee on Mental Retardation; Executive Order 12994 (Department of Health and Human Services).

(k) President's Council on Physical Fitness and Sports; Executive Order 12345, as amended (Department of Health and Human Services).

(l) President's Export Council; Executive Order 12131, as amended (Department of Commerce).

(m) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Defense).

(n) Trade and Environment Policy Advisory Committee; Executive Order 12905 (Office of the United States Trade Representative).

Sec. 2. Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order shall be performed by the head of the department or agency designated after each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

Sec. 3. The following Executive Orders, or sections thereof, which established committees that have terminated and whose work is completed, are revoked:

(a) Sections 3 and 4 of Executive Order 13134 pertaining to the establishment and administration of the Advisory Committee on Biobased Products

and Bioenergy, superseded by the Biomass Research and Development Technical Advisory Committee established pursuant to section 306 of the Biomass Research and Development Act of 2000 (Title III of Public Law 106-224);

(b) Executive Order 13080, establishing the American Heritage Rivers Initiative Advisory Committee;

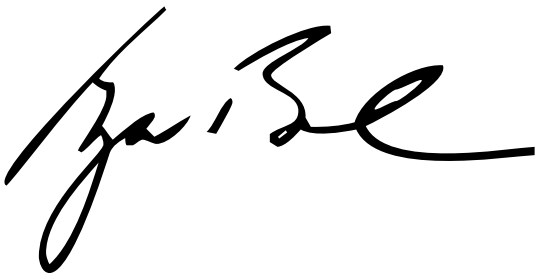
(c) Executive Order 13090, as amended by Executive Order 13136, establishing the President's Commission on the Celebration of Women in American History;

(d) Executive Order 13168, establishing the President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health; and

(e) Executive Order 13075, establishing the Special Oversight Board for Department of Defense Investigations of Gulf War Chemical and Biological Incidents.

Sec. 4. Sections 1 through 4 of Executive Order 13138 are superseded.

Sec. 5. This order shall be effective September 30, 2001.



THE WHITE HOUSE,
September 28, 2001.

[FR Doc. 01–24917
Filed 10–2–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13226

President's Council of Advisors on Science and Technology

Signed: September 30, 2001

Federal Register page and date: 66 FR 50523, October 3, 2001

Revokes: EO 12882, November 23, 1993; EO 12907, April 14, 1994; EO 13138, September 30, 1999 (in part)

Amended by: EO 13305, May 28, 2003; EO 13349, July 23, 2004

Federal Register

Wednesday,
October 3, 2001

Part III

The President

Executive Order 13226—President's Council of Advisors on Science and Technology

Federal Register
Vol. 66, No. 192
Wednesday, October 3, 2001

Presidential Documents

Title 3—

The President

Executive Order 13226 of September 30, 2001

President's Council of Advisors on Science and Technology

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and in order to establish an advisory committee on science and technology, it is hereby ordered as follows:

Section 1. *Establishment.* There is established the President's Council of Advisors on Science and Technology (PCAST). The PCAST shall be composed of not more than 25 members, one of whom shall be a Federal Government official designated by the President (the ''Official''), and 24 of whom shall be nonfederal members appointed by the President and have diverse perspectives and expertise in science, technology, and the impact of science and technology on the Nation. The Official shall co-chair PCAST with a nonfederal member designated by the President.

Sec. 2. *Functions.* (a) The PCAST shall advise the President, through the Official, on matters involving science and technology policy.

(b) In performance of its advisory duties, the PCAST shall assist the National Science and Technology Council (NSTC) in securing private sector involvement in its activities.

Sec. 3. *Administration.* (a) The heads of the executive departments and agencies shall, to the extent permitted by law, provide the PCAST with information concerning scientific and technological matters when requested by the PCAST co-chairs.

(b) In consultation with the Official, the PCAST is authorized to convene ad hoc working groups to provide preliminary nonbinding information and advice directly to the PCAST.

(c) Members shall serve without compensation for their work on the PCAST. However, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707).

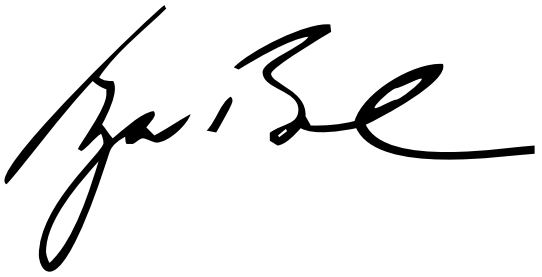
(d) Any expenses of the PCAST shall be paid from the funds available for the expenses of the Office of Science and Technology Policy.

(e) The Office of Science and Technology Policy shall provide such administrative services as the PCAST may require, with the approval of the Official.

Sec. 4. *General.* (a) Notwithstanding any other Executive Order, the functions of the President with respect to the PCAST under the Federal Advisory Committee Act, as amended, except that of reporting to the Congress, shall be performed by the Office of Science and Technology Policy in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) The PCAST shall terminate 2 years from the date of this order unless extended by the President prior to that date.

(c) Executive Order 12882 of November 23, 1993; Executive Order 12907 of April 14, 1994; and section 1(h) of Executive Order 13138 of September 30, 1999, are hereby revoked.



THE WHITE HOUSE,
September 30, 2001.

[FR Doc. 01–24983
Filed 10–2–01; 8:58 am]
Billing code 3195–01–P

Executive Order 13227
President's Commission on Excellence in Special Education

Signed: October 2, 2001
Federal Register page and date: 66 FR 51289, October 5, 2001
Amended by: EO 13255, February 6, 2002
Revoked by: EO 13316, September 17, 2003

Federal Register

Friday,
October 5, 2001

Part V

The President

Executive Order 13227—President's Commission on Excellence in Special Education

Federal Register
Vol. 66, No. 194
Friday, October 5, 2001

Presidential Documents

Title 3—

The President

Executive Order 13227 of October 2, 2001

President's Commission on Excellence in Special Education

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* The education of all children, regardless of background or disability, while chiefly a State and local responsibility, must always be a national priority. One of the most important goals of my Administration is to support States and local communities in creating and maintaining a system of public education where no child is left behind. Unfortunately, among those at greatest risk of being left behind are children with disabilities. The Individuals with Disabilities Education Act (IDEA) is a landmark statute that asserts the rights of all children with disabilities to a free, appropriate public education. My Administration strongly supports the principles embodied in the IDEA and the goal of providing special education and related services to children with disabilities so that they can meet high academic standards and participate fully in American society. It is imperative that special education operate as an integral part of a system that expects high achievement of all children, rather than as a means of avoiding accountability for children who are more challenging to educate or who have fallen behind.

Sec. 2. *Establishment.* There is established a President's Commission on Excellence in Special Education (the ''Commission''). The Commission shall be composed of not more than 19 members to be appointed by the President from the public and private sectors, as well as up to 5 ex officio members from the Departments of Education and Health and Human Services. The members may include current and former Federal, State, and local government officials, recognized special education experts, special and general education finance experts, education researchers, educational practitioners, parents of children or young adults with disabilities, persons with disabilities, and others with special experience and expertise in the education of children with disabilities. The President shall designate a Chairperson from among the members of the Commission. The Secretary of Education shall select an Executive Director for the Commission.

Sec. 3. *Duties and Commission Report.* (a) The Commission shall collect information and study issues related to Federal, State, and local special education programs with the goal of recommending policies for improving the educational performance of students with disabilities. In furtherance of its duties, the Commission shall invite experts and members of the public to provide information and guidance.

(b) Not later than April 30, 2002, the Commission shall prepare and submit a report to the President outlining its findings and recommendations. The report shall include, but need not be limited to:

(1) An examination of available research and information on the effectiveness and cost of special education and the appropriate role of the Federal Government in special education programming and funding. The examination shall include an analysis of the factors that have contributed to the growth in costs of special education since the enactment of the Education for All Handicapped Children Act (a predecessor of IDEA);

(2) Recommendations regarding how Federal resources can best be used to improve educational results for students with disabilities;

(3) A recommended special education research agenda;

(4) An analysis of the impact of providing appropriate early intervention in reading instruction on the referral and identification of children for special education;

(5) An analysis of the effect of special education funding on decisions to serve, place, or refer children for special education services and recommendations for alternative funding formulae that might distribute funds to achieve better results and eliminate any current incentives that undermine the goals of ensuring that children with disabilities receive a high-quality education;

(6) An analysis of, and recommendations regarding, how the Federal Government can help States and local education agencies provide a high-quality education to students with disabilities, including the recruitment and retention of qualified personnel and the inclusion of children with disabilities in performance and accountability systems;

(7) An analysis of the impact of Federal and State statutory, regulatory, and administrative requirements on the cost and effectiveness of special education services, and how these requirements support or hinder the educational achievement of students with disabilities;

(8) An assessment of how differences in local educational agency size, location, demographics, and wealth, and in State law and practice affect which children are referred to special education, and the cost of special education; and

(9) A review of the experiences of State and local governments in financing special education, and an analysis of whether changes to the Federal ''supplement not supplant'' and ''maintenance of effort'' requirements are appropriate.

Sec. 4. *Administration, Compensation, and Termination.*

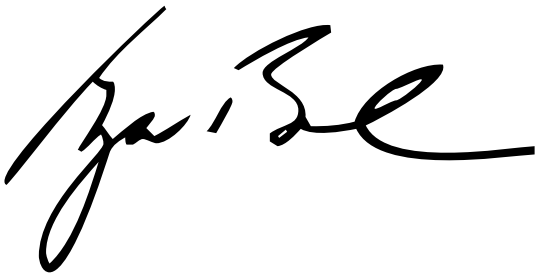
(a) The Department of Education shall, to the extent permitted by law, provide administrative support and funding for the Commission. In addition, appropriate Federal agencies may designate staff to assist with the work of the Commission. To the extent permitted by law, Federal Government employees may be detailed to the Commission without reimbursement to the Federal agency.

(b) Members of the Commission shall serve without compensation but, while engaged in the work of the Commission, members appointed from among private citizens of the United States shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707), to the extent funds are available for such purposes.

(c) The functions of the President under the Federal Advisory Committee Act that are applicable to the Commission, except that of reporting to the Congress, shall be performed by the Department of Education in accordance with the guidelines that have been issued by the Administrator of General Services.

(d) The Chairperson may from time to time prescribe such rules, procedures, and policies relating to the activities of the Commission as are not inconsistent with law or with the provisions of this order.

(e) The Commission shall terminate 30 days after submitting its final report, unless extended by the President.



THE WHITE HOUSE,
October 2, 2001.

[FR Doc. 01–25344
Filed 10–4–01; 10:05 am]
Billing code 3195–01–P

Executive Order 13228
Establishing the Office of Homeland Security and the Homeland Security Council

Signed: October 8, 2001
Federal Register page and date: 66 FR 51812, October 10, 2001
Amends: EO 12656, November 18, 1988
Amended by: EO 13284, January 23, 2003; EO 13286, February 28, 2003
See: EO 13231, October 16, 2001; EO 13257, February 13, 2002

Presidential Documents

Executive Order 13228 of October 8, 2001

Establishing the Office of Homeland Security and the Homeland Security Council

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Establishment.* I hereby establish within the Executive Office of the President an Office of Homeland Security (the ''Office'') to be headed by the Assistant to the President for Homeland Security.

Sec. 2. *Mission.* The mission of the Office shall be to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks. The Office shall perform the functions necessary to carry out this mission, including the functions specified in section 3 of this order.

Sec. 3. *Functions.* The functions of the Office shall be to coordinate the executive branch's efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States.

(a) *National Strategy.* The Office shall work with executive departments and agencies, State and local governments, and private entities to ensure the adequacy of the national strategy for detecting, preparing for, preventing, protecting against, responding to, and recovering from terrorist threats or attacks within the United States and shall periodically review and coordinate revisions to that strategy as necessary.

(b) *Detection.* The Office shall identify priorities and coordinate efforts for collection and analysis of information within the United States regarding threats of terrorism against the United States and activities of terrorists or terrorist groups within the United States. The Office also shall identify, in coordination with the Assistant to the President for National Security Affairs, priorities for collection of intelligence outside the United States regarding threats of terrorism within the United States.

(i) In performing these functions, the Office shall work with Federal, State, and local agencies, as appropriate, to:

(A) facilitate collection from State and local governments and private entities of information pertaining to terrorist threats or activities within the United States;

(B) coordinate and prioritize the requirements for foreign intelligence relating to terrorism within the United States of executive departments and agencies responsible for homeland security and provide these requirements and priorities to the Director of Central Intelligence and other agencies responsible for collection of foreign intelligence;

(C) coordinate efforts to ensure that all executive departments and agencies that have intelligence collection responsibilities have sufficient technological capabilities and resources to collect intelligence and data relating to terrorist activities or possible terrorist acts within the United States, working with the Assistant to the President for National Security Affairs, as appropriate;

(D) coordinate development of monitoring protocols and equipment for use in detecting the release of biological, chemical, and radiological hazards; and

(E) ensure that, to the extent permitted by law, all appropriate and necessary intelligence and law enforcement information relating to homeland security is disseminated to and exchanged among appropriate executive departments and agencies responsible for homeland security and, where appropriate for reasons of homeland security, promote exchange of such information with and among State and local governments and private entities.

(ii) Executive departments and agencies shall, to the extent permitted by law, make available to the Office all information relating to terrorist threats and activities within the United States.

(c) *Preparedness.* The Office of Homeland Security shall coordinate national efforts to prepare for and mitigate the consequences of terrorist threats or attacks within the United States. In performing this function, the Office shall work with Federal, State, and local agencies, and private entities, as appropriate, to:

(i) review and assess the adequacy of the portions of all Federal emergency response plans that pertain to terrorist threats or attacks within the United States;

(ii) coordinate domestic exercises and simulations designed to assess and practice systems that would be called upon to respond to a terrorist threat or attack within the United States and coordinate programs and activities for training Federal, State, and local employees who would be called upon to respond to such a threat or attack;

(iii) coordinate national efforts to ensure public health preparedness for a terrorist attack, including reviewing vaccination policies and reviewing the adequacy of and, if necessary, increasing vaccine and pharmaceutical stockpiles and hospital capacity;

(iv) coordinate Federal assistance to State and local authorities and nongovernmental organizations to prepare for and respond to terrorist threats or attacks within the United States;

(v) ensure that national preparedness programs and activities for terrorist threats or attacks are developed and are regularly evaluated under appropriate standards and that resources are allocated to improving and sustaining preparedness based on such evaluations; and

(vi) ensure the readiness and coordinated deployment of Federal response teams to respond to terrorist threats or attacks, working with the Assistant to the President for National Security Affairs, when appropriate.

(d) *Prevention.* The Office shall coordinate efforts to prevent terrorist attacks within the United States. In performing this function, the Office shall work with Federal, State, and local agencies, and private entities, as appropriate, to:

(i) facilitate the exchange of information among such agencies relating to immigration and visa matters and shipments of cargo; and, working with the Assistant to the President for National Security Affairs, ensure coordination among such agencies to prevent the entry of terrorists and terrorist materials and supplies into the United States and facilitate removal of such terrorists from the United States, when appropriate;

(ii) coordinate efforts to investigate terrorist threats and attacks within the United States; and

(iii) coordinate efforts to improve the security of United States borders, territorial waters, and airspace in order to prevent acts of terrorism within the United States, working with the Assistant to the President for National Security Affairs, when appropriate.

(e) *Protection.* The Office shall coordinate efforts to protect the United States and its critical infrastructure from the consequences of terrorist attacks. In performing this function, the Office shall work with Federal, State, and local agencies, and private entities, as appropriate, to:

(i) strengthen measures for protecting energy production, transmission, and distribution services and critical facilities; other utilities; telecommunications; facilities that produce, use, store, or dispose of nuclear material; and other critical infrastructure services and critical facilities within the United States from terrorist attack;

(ii) coordinate efforts to protect critical public and privately owned information systems within the United States from terrorist attack;

(iii) develop criteria for reviewing whether appropriate security measures are in place at major public and privately owned facilities within the United States;

(iv) coordinate domestic efforts to ensure that special events determined by appropriate senior officials to have national significance are protected from terrorist attack;

(v) coordinate efforts to protect transportation systems within the United States, including railways, highways, shipping, ports and waterways, and airports and civilian aircraft, from terrorist attack;

(vi) coordinate efforts to protect United States livestock, agriculture, and systems for the provision of water and food for human use and consumption from terrorist attack; and

(vii) coordinate efforts to prevent unauthorized access to, development of, and unlawful importation into the United States of, chemical, biological, radiological, nuclear, explosive, or other related materials that have the potential to be used in terrorist attacks.

(f) *Response and Recovery.* The Office shall coordinate efforts to respond to and promote recovery from terrorist threats or attacks within the United States. In performing this function, the Office shall work with Federal, State, and local agencies, and private entities, as appropriate, to:

(i) coordinate efforts to ensure rapid restoration of transportation systems, energy production, transmission, and distribution systems; telecommunications; other utilities; and other critical infrastructure facilities after disruption by a terrorist threat or attack;

(ii) coordinate efforts to ensure rapid restoration of public and private critical information systems after disruption by a terrorist threat or attack;

(iii) work with the National Economic Council to coordinate efforts to stabilize United States financial markets after a terrorist threat or attack and manage the immediate economic and financial consequences of the incident;

(iv) coordinate Federal plans and programs to provide medical, financial, and other assistance to victims of terrorist attacks and their families; and

(v) coordinate containment and removal of biological, chemical, radiological, explosive, or other hazardous materials in the event of a terrorist threat or attack involving such hazards and coordinate efforts to mitigate the effects of such an attack.

(g) *Incident Management.* The Assistant to the President for Homeland Security shall be the individual primarily responsible for coordinating the domestic response efforts of all departments and agencies in the event of an imminent terrorist threat and during and in the immediate aftermath of a terrorist attack within the United States and shall be the principal point of contact for and to the President with respect to coordination of such efforts. The Assistant to the President for Homeland Security shall coordinate with the Assistant to the President for National Security Affairs, as appropriate.

(h) *Continuity of Government.* The Assistant to the President for Homeland Security, in coordination with the Assistant to the President for National Security Affairs, shall review plans and preparations for ensuring the continuity of the Federal Government in the event of a terrorist attack that threatens the safety and security of the United States Government or its leadership.

(i) *Public Affairs.* The Office, subject to the direction of the White House Office of Communications, shall coordinate the strategy of the executive branch for communicating with the public in the event of a terrorist threat or attack within the United States. The Office also shall coordinate the development of programs for educating the public about the nature of terrorist threats and appropriate precautions and responses.

(j) *Cooperation with State and Local Governments and Private Entities.* The Office shall encourage and invite the participation of State and local governments and private entities, as appropriate, in carrying out the Office's functions.

(k) *Review of Legal Authorities and Development of Legislative Proposals.* The Office shall coordinate a periodic review and assessment of the legal authorities available to executive departments and agencies to permit them to perform the functions described in this order. When the Office determines that such legal authorities are inadequate, the Office shall develop, in consultation with executive departments and agencies, proposals for presidential action and legislative proposals for submission to the Office of Management and Budget to enhance the ability of executive departments and agencies to perform those functions. The Office shall work with State and local governments in assessing the adequacy of their legal authorities to permit them to detect, prepare for, prevent, protect against, and recover from terrorist threats and attacks.

(l) *Budget Review.* The Assistant to the President for Homeland Security, in consultation with the Director of the Office of Management and Budget (the ''Director'') and the heads of executive departments and agencies, shall identify programs that contribute to the Administration's strategy for homeland security and, in the development of the President's annual budget submission, shall review and provide advice to the heads of departments and agencies for such programs. The Assistant to the President for Homeland Security shall provide advice to the Director on the level and use of funding in departments and agencies for homeland security-related activities and, prior to the Director's forwarding of the proposed annual budget submission to the President for transmittal to the Congress, shall certify to the Director the funding levels that the Assistant to the President for Homeland Security believes are necessary and appropriate for the homeland security-related activities of the executive branch.

Sec. 4. *Administration.*

(a) The Office of Homeland Security shall be directed by the Assistant to the President for Homeland Security.

(b) The Office of Administration within the Executive Office of the President shall provide the Office of Homeland Security with such personnel, funding, and administrative support, to the extent permitted by law and subject to the availability of appropriations, as directed by the Chief of Staff to carry out the provisions of this order.

(c) Heads of executive departments and agencies are authorized, to the extent permitted by law, to detail or assign personnel of such departments and agencies to the Office of Homeland Security upon request of the Assistant to the President for Homeland Security, subject to the approval of the Chief of Staff.

Sec. 5. *Establishment of Homeland Security Council.*

(a) I hereby establish a Homeland Security Council (the ''Council''), which shall be responsible for advising and assisting the President with respect to all aspects of homeland security. The Council shall serve as the mechanism for ensuring coordination of homeland security-related activities of executive departments and agencies and effective development and implementation of homeland security policies.

(b) The Council shall have as its members the President, the Vice President, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Health and Human Services, the Secretary of Transportation,

the Director of the Federal Emergency Management Agency, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, the Assistant to the President for Homeland Security, and such other officers of the executive branch as the President may from time to time designate. The Chief of Staff, the Chief of Staff to the Vice President, the Assistant to the President for National Security Affairs, the Counsel to the President, and the Director of the Office of Management and Budget also are invited to attend any Council meeting. The Secretary of State, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Energy, the Secretary of Labor, the Secretary of Commerce, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, the Assistant to the President for Economic Policy, and the Assistant to the President for Domestic Policy shall be invited to attend meetings pertaining to their responsibilities. The heads of other executive departments and agencies and other senior officials shall be invited to attend Council meetings when appropriate.

(c) The Council shall meet at the President's direction. When the President is absent from a meeting of the Council, at the President's direction the Vice President may preside. The Assistant to the President for Homeland Security shall be responsible, at the President's direction, for determining the agenda, ensuring that necessary papers are prepared, and recording Council actions and Presidential decisions.

Sec. 6. *Original Classification Authority.* I hereby delegate the authority to classify information originally as Top Secret, in accordance with Executive Order 12958 or any successor Executive Order, to the Assistant to the President for Homeland Security.

Sec. 7. *Continuing Authorities.* This order does not alter the existing authorities of United States Government departments and agencies. All executive departments and agencies are directed to assist the Council and the Assistant to the President for Homeland Security in carrying out the purposes of this order.

Sec. 8. *General Provisions.*

(a) This order does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies or instrumentalities, its officers or employees, or any other person.

(b) References in this order to State and local governments shall be construed to include tribal governments and United States territories and other possessions.

(c) References to the ''United States'' shall be construed to include United States territories and possessions.

Sec. 9. *Amendments to Executive Order 12656.* Executive Order 12656 of November 18, 1988, as amended, is hereby further amended as follows:

(a) Section 101(a) is amended by adding at the end of the fourth sentence: '', except that the Homeland Security Council shall be responsible for administering such policy with respect to terrorist threats and attacks within the United States.''

(b) Section 104(a) is amended by adding at the end: '', except that the Homeland Security Council is the principal forum for consideration of policy relating to terrorist threats and attacks within the United States.''

(c) Section 104(b) is amended by inserting the words ''and the Homeland Security Council'' after the words ''National Security Council.''

(d) The first sentence of section 104(c) is amended by inserting the words ''and the Homeland Security Council'' after the words ''National Security Council.''

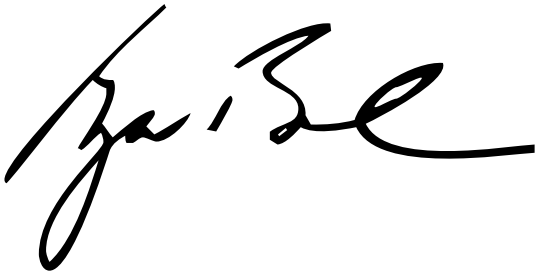
(e) The second sentence of section 104(c) is replaced with the following two sentences: ''Pursuant to such procedures for the organization and management of the National Security Council and Homeland Security Council

processes as the President may establish, the Director of the Federal Emergency Management Agency also shall assist in the implementation of and management of those processes as the President may establish. The Director of the Federal Emergency Management Agency also shall assist in the implementation of national security emergency preparedness policy by coordinating with the other Federal departments and agencies and with State and local governments, and by providing periodic reports to the National Security Council and the Homeland Security Council on implementation of national security emergency preparedness policy.''

(f) Section 201(7) is amended by inserting the words ''and the Homeland Security Council'' after the words ''National Security Council.''

(g) Section 206 is amended by inserting the words ''and the Homeland Security Council'' after the words ''National Security Council.''

(h) Section 208 is amended by inserting the words ''or the Homeland Security Council'' after the words ''National Security Council.''



THE WHITE HOUSE,
October 8, 2001.

[FR Doc. 01–25677
Filed 10–9–01; 12:12 pm]
Billing code 3195–01–P

Executive Order 13229

Amendment to Executive Order 13045, Extending the Task Force on Environmental Health Risks and Safety Risks to Children

Signed: October 9, 2001

Federal Register page and date: 66 FR 52013, October 11, 2001

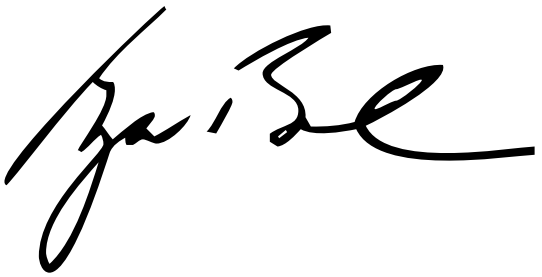
Amends: EO 13045, April 21, 1997

Presidential Documents

Executive Order 13229 of October 9, 2001

Amendment to Executive Order 13045, Extending the Task Force on Environmental Health Risks and Safety Risks to Children

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to extend the Task Force on Environmental Health Risks and Safety Risks to Children, it is hereby ordered that Executive Order 13045 of April 21, 1997, is amended by deleting in section 3–306 of that order ''for a period of 4 years from the first meeting'' and inserting in lieu thereof ''for 6 years from the date of this order''.



THE WHITE HOUSE,
October 9, 2001.

[FR Doc. 01–25788
Filed 10–10–01; 8:54 am]
Billing code 3195–01–P

Executive Order 13230
President's Advisory Commission on Educational Excellence for Hispanic Americans

Signed: October 12, 2001
Federal Register page and date: 66 FR 52841, October 17, 2001
Revokes: EO 12900, February 22, 1994

Federal Register

Wednesday,
October 17, 2001

Part III

The President

Executive Order 13230—President's Advisory Commission on Educational Excellence for Hispanic Americans

Proclamation 7485—National School Lunch Week, 2001

Proclamation 7486—White Cane Safety Day, 2001

Federal Register
Vol. 66, No. 201
Wednesday, October 17, 2001

Presidential Documents

Title 3—

The President

Executive Order 13230 of October 12, 2001

President's Advisory Commission on Educational Excellence for Hispanic Americans

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to advance the development of human potential, strengthen the Nation's capacity to provide high-quality education, and increase opportunities for Hispanic Americans to participate in and benefit from Federal education programs, it is hereby ordered as follows:

Section 1. There is established, in the Department of Education, the President's Advisory Commission on Educational Excellence for Hispanic Americans (Commission). The Commission shall consist of not more than 25 members. Twenty-one of the members shall be appointed by the President. Those members shall be representatives of educational, business, professional, and community organizations who are committed to improving educational attainment within the Hispanic community, as well as other persons deemed appropriate by the President. The President shall designate two of the appointed members to serve as Co-Chairs of the Commission. The other four members of the Commission shall be ex officio members, one each from the Department of Education, the Department of Housing and Urban Development, the Department of the Treasury, and the Small Business Administration. The ex officio members shall be the respective Secretaries of those agencies and the Administrator of the Small Business Administration, or their designees.

Sec. 2. The Commission shall provide advice to the Secretary of Education (''Secretary'') and shall issue reports to the President, as described in section 7 below, concerning:

(a) the progress of Hispanic Americans in closing the academic achievement gap and attaining the goals established by the President's ''No Child Left Behind'' educational blueprint;

(b) the development, monitoring, and coordination of Federal efforts to promote high-quality education for Hispanic Americans;

(c) ways to increase parental, State and local, private sector, and community involvement in improving education; and

(d) ways to maximize the effectiveness of Federal education initiatives within the Hispanic community.

Sec. 3. There is established, in the Department of Education, an office called the White House Initiative on Educational Excellence for Hispanic Americans (Initiative). The Initiative shall be located at, staffed, and supported by the Department of Education, and headed by a Director, who shall be a senior level executive branch official who reports to the Secretary. The Initiative shall provide the necessary staff, resources, and assistance to the Commission and shall assist and advise the Secretary in carrying out his responsibilities under this order. The staff of the Initiative shall gather and disseminate information relating to the educational achievement gap of Hispanic Americans, using a variety of means, including conducting surveys, conferences, field hearings, and meetings, and other appropriate

vehicles designed to encourage the participation of organizations and individuals interested in such issues, including parents, community leaders, academicians, business leaders, teachers, employers, employees and public officials at the local, State, and Federal levels. To the extent permitted by law, executive branch departments and agencies shall cooperate in providing resources, including personnel detailed to the Initiative, to meet the objectives of this order. The Initiative shall include both career civil service and appointed staff with expertise in the area of education.

Sec. 4. Executive branch departments and agencies, to the extent permitted by law and practicable, shall provide any appropriate information requested by the Commission or the staff of the Initiative, including data relating to the eligibility for and participation by Hispanic Americans in Federal education programs and the progress of Hispanic Americans in closing the academic achievement gap and in achieving the goals of the President's ''No Child Left Behind'' education blueprint. Where adequate data are not available, the Commission shall suggest the means for collecting the data. In accordance with the accountability goals established by the President, executive branch departments and agencies involved in relevant programs shall report to the President through the Initiative by September 30, 2002, on:

(a) efforts to increase participation of Hispanic Americans in Federal education programs and services;

(b) efforts to include Hispanic-serving school districts, Hispanic-serving institutions, and other educational institutions for Hispanic Americans in Federal education programs and services;

(c) levels of participation attained by Hispanic Americans in Federal education programs and services; and

(d) the measurable impact resulting from these efforts and levels of participation. The Department of Education's report also shall describe the overall condition of Hispanic American education and such other aspects of the educational status of Hispanic Americans, as the Secretary considers appropriate.

Sec. 5. Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App), may apply to the Commission, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Department of Education in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 6. (a) Members of the Commission shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707).

(b) To the extent permitted by law, the Department of Education shall provide funding and administrative support for the Commission and the Initiative.

Sec. 7. The Commission shall prepare and submit an interim and final report to the President outlining its findings and recommendations as follows:

(a) The Commission shall submit an Interim Report no later than September 30, 2002. The Interim Report shall describe the Commission's examination of:

(i) available research and information on the effectiveness of current practices at the local, State, and Federal levels in closing the educational achievement gap for Hispanic Americans and attaining the goals established by the President's ''No Child Left Behind'' educational blueprint;

(ii) available research and information on the effectiveness of current practices involving Hispanic parents in the education of their children; and

(iii) the appropriate role of Federal agencies' education programs in helping Hispanic parents successfully prepare their children to graduate from high school and attend post secondary institutions.

(b) The Commission shall issue a Final Report no later than March 31, 2003. The Final Report shall set forth the Commission's recommendations regarding:

(i) a multi-year plan, based on the data collected concerning identification of barriers to and successful models for closing the educational achievement gap for Hispanic Americans, that provides for a coordinated effort among parents, community leaders, business leaders, educators, and public officials at the local, State, and Federal levels to close the educational achievement gap for Hispanic Americans and ensure attainment of the goals established by the President's ''No Child Left Behind'' educational blueprint.

(ii) the development of a monitoring system that measures and holds executive branch departments and agencies accountable for the coordination of Federal efforts among the designated executive departments and agencies to ensure the participation of Hispanic Americans in Federal education programs and promote high-quality education for Hispanic Americans;

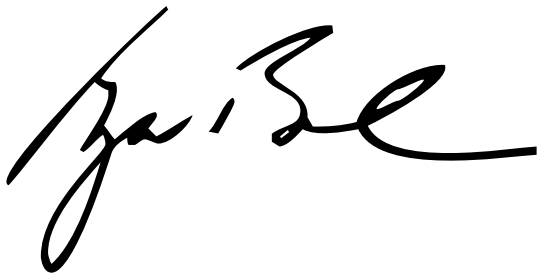
(iii) the identification of successful methods employed throughout the Nation in increasing parental, State and local, private sector, and community involvement in improving education for Hispanic Americans;

(iv) ways to improve on and measure the effectiveness of Federal agencies' education programs in ensuring that Hispanic Americans close the educational achievement gap and attain the goals established by the President's ''No Child Left Behind'' educational blueprint; and

(v) how Federal Government education programs can best be applied to ensure Hispanic parents successfully prepare their children to attend post secondary institutions.

Sec. 8. The Commission shall terminate 30 days after submitting its final report, unless extended by the President.

Sec. 9. Executive Order 12900 of February 22, 1994, as amended, is revoked.



THE WHITE HOUSE,
October 12, 2001.

[FR Doc. 01–26339
Filed 10–16–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13231

Critical Infrastructure Protection in the Information Age

Signed: October 16, 2001

Federal Register page and date: 66 FR 53063, October 18, 2001

Revokes: EO 13130, July 14, 1999

Amended by: EO 13284, January 23, 2003; EO 13286, February 28, 2003; EO 13316, September 17, 2003

See: EO 12333, December 4, 1981; EO 12382, September 13, 1982; EO 12472, April 3, 1984; EO 12958, April 17, 1995; EO 13228, October 8, 2001

Federal Register

Thursday,
October 18, 2001

Part VI

The President

Executive Order 13231—Critical Infrastructure Protection in the Information Age

Federal Register
Vol. 66, No. 202
Thursday, October 18, 2001

Presidential Documents

Title 3—

The President

Executive Order 13231 of October 16, 2001

Critical Infrastructure Protection in the Information Age

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure protection of information systems for critical infrastructure, including emergency preparedness communications, and the physical assets that support such systems, in the information age, it is hereby ordered as follows:

Section 1. *Policy.*

(a) The information technology revolution has changed the way business is transacted, government operates, and national defense is conducted. Those three functions now depend on an interdependent network of critical information infrastructures. The protection program authorized by this order shall consist of continuous efforts to secure information systems for critical infrastructure, including emergency preparedness communications, and the physical assets that support such systems. Protection of these systems is essential to the telecommunications, energy, financial services, manufacturing, water, transportation, health care, and emergency services sectors.

(b) It is the policy of the United States to protect against disruption of the operation of information systems for critical infrastructure and thereby help to protect the people, economy, essential human and government services, and national security of the United States, and to ensure that any disruptions that occur are infrequent, of minimal duration, and manageable, and cause the least damage possible. The implementation of this policy shall include a voluntary public-private partnership, involving corporate and nongovernmental organizations.

Sec. 2. *Scope.* To achieve this policy, there shall be a senior executive branch board to coordinate and have cognizance of Federal efforts and programs that relate to protection of information systems and involve:

(a) cooperation with and protection of private sector critical infrastructure, State and local governments' critical infrastructure, and supporting programs in corporate and academic organizations;

(b) protection of Federal departments' and agencies' critical infrastructure; and

(c) related national security programs.

Sec. 3. *Establishment.* I hereby establish the ''President's Critical Infrastructure Protection Board'' (the ''Board'').

Sec. 4. *Continuing Authorities.* This order does not alter the existing authorities or roles of United States Government departments and agencies. Authorities set forth in 44 U.S.C. Chapter 35, and other applicable law, provide senior officials with responsibility for the security of Federal Government information systems.

(a) *Executive Branch Information Systems Security.* The Director of the Office of Management and Budget (OMB) has the responsibility to develop and oversee the implementation of government-wide policies, principles, standards, and guidelines for the security of information systems that support the executive branch departments and agencies, except those noted in section 4(b) of this order. The Director of OMB shall advise the President and the appropriate department or agency head when there is a critical deficiency in the security practices within the purview of this section in an executive branch department or agency. The Board shall assist and support the Director

of OMB in this function and shall be reasonably cognizant of programs related to security of department and agency information systems.

(b) *National Security Information Systems.* The Secretary of Defense and the Director of Central Intelligence (DCI) shall have responsibility to oversee, develop, and ensure implementation of policies, principles, standards, and guidelines for the security of information systems that support the operations under their respective control. In consultation with the Assistant to the President for National Security Affairs and the affected departments and agencies, the Secretary of Defense and the DCI shall develop policies, principles, standards, and guidelines for the security of national security information systems that support the operations of other executive branch departments and agencies with national security information.

(i) Policies, principles, standards, and guidelines developed under this subsection may require more stringent protection than those developed in accordance with subsection 4(a) of this order.

(ii) The Assistant to the President for National Security Affairs shall advise the President and the appropriate department or agency head when there is a critical deficiency in the security practices of a department or agency within the purview of this section. The Board, or one of its standing or ad hoc committees, shall be reasonably cognizant of programs to provide security and continuity to national security information systems.

(c) *Additional Responsibilities: The Heads of Executive Branch Departments and Agencies.* The heads of executive branch departments and agencies are responsible and accountable for providing and maintaining adequate levels of security for information systems, including emergency preparedness communications systems, for programs under their control. Heads of such departments and agencies shall ensure the development and, within available appropriations, funding of programs that adequately address these mission areas. Cost-effective security shall be built into and made an integral part of government information systems, especially those critical systems that support the national security and other essential government programs. Additionally, security should enable, and not unnecessarily impede, department and agency business operations.

Sec. 5. *Board Responsibilities.* Consistent with the responsibilities noted in section 4 of this order, the Board shall recommend policies and coordinate programs for protecting information systems for critical infrastructure, including emergency preparedness communications, and the physical assets that support such systems. Among its activities to implement these responsibilities, the Board shall:

(a) *Outreach to the Private Sector and State and Local Governments.* In consultation with affected executive branch departments and agencies, coordinate outreach to and consultation with the private sector, including corporations that own, operate, develop, and equip information, telecommunications, transportation, energy, water, health care, and financial services, on protection of information systems for critical infrastructure, including emergency preparedness communications, and the physical assets that support such systems; and coordinate outreach to State and local governments, as well as communities and representatives from academia and other relevant elements of society.

(i) When requested to do so, assist in the development of voluntary standards and best practices in a manner consistent with 15 U.S.C. Chapter 7;

(ii) Consult with potentially affected communities, including the legal, auditing, financial, and insurance communities, to the extent permitted by law, to determine areas of mutual concern; and

(iii) Coordinate the activities of senior liaison officers appointed by the Attorney General, the Secretaries of Energy, Commerce, Transportation, the Treasury, and Health and Human Services, and the Director of the Federal Emergency Management Agency for outreach on critical infrastructure protection issues with private sector organizations within the areas of concern to these departments and agencies. In these and other related functions, the Board shall work in coordination with the Critical Infrastructure Assurance Office (CIAO) and the National Institute of Standards and Technology of the Department of Commerce, the National Infrastructure Protection Center (NIPC), and the National Communications System (NCS).

(b) *Information Sharing.* Work with industry, State and local governments, and nongovernmental organizations to ensure that systems are created and well managed to share threat warning, analysis, and recovery information among government network operation centers, information sharing and analysis centers established on a voluntary basis by industry, and other related operations centers. In this and other related functions, the Board shall work in coordination with the NCS, the Federal Computer Incident Response Center, the NIPC, and other departments and agencies, as appropriate.

(c) *Incident Coordination and Crisis Response.* Coordinate programs and policies for responding to information systems security incidents that threaten information systems for critical infrastructure, including emergency preparedness communications, and the physical assets that support such systems. In this function, the Department of Justice, through the NIPC and the Manager of the NCS and other departments and agencies, as appropriate, shall work in coordination with the Board.

(d) *Recruitment, Retention, and Training Executive Branch Security Professionals.* In consultation with executive branch departments and agencies, coordinate programs to ensure that government employees with responsibilities for protecting information systems for critical infrastructure, including emergency preparedness communications, and the physical assets that support such systems, are adequately trained and evaluated. In this function, the Office of Personnel Management shall work in coordination with the Board, as appropriate.

(e) *Research and Development.* Coordinate with the Director of the Office of Science and Technology Policy (OSTP) on a program of Federal Government research and development for protection of information systems for critical infrastructure, including emergency preparedness communications, and the physical assets that support such systems, and ensure coordination of government activities in this field with corporations, universities, Federally funded research centers, and national laboratories. In this function, the Board shall work in coordination with the National Science Foundation, the Defense Advanced Research Projects Agency, and with other departments and agencies, as appropriate.

(f) *Law Enforcement Coordination with National Security Components.* Promote programs against cyber crime and assist Federal law enforcement agencies in gaining necessary cooperation from executive branch departments and agencies. Support Federal law enforcement agencies' investigation of illegal activities involving information systems for critical infrastructure, including emergency preparedness communications, and the physical assets that support such systems, and support coordination by these agencies with other departments and agencies with responsibilities to defend the Nation's security. In this function, the Board shall work in coordination with the Department of Justice, through the NIPC, and the Department of the Treasury, through the Secret Service, and with other departments and agencies, as appropriate.

(g) *International Information Infrastructure Protection.* Support the Department of State's coordination of United States Government programs for international cooperation covering international information infrastructure protection issues.

(h) *Legislation.* In accordance with OMB circular A–19, advise departments and agencies, the Director of OMB, and the Assistant to the President for Legislative Affairs on legislation relating to protection of information systems for critical infrastructure, including emergency preparedness communications, and the physical assets that support such systems.

(i) *Coordination with Office of Homeland Security.* Carry out those functions relating to protection of and recovery from attacks against information systems for critical infrastructure, including emergency preparedness communications, that were assigned to the Office of Homeland Security by Executive Order 13228 of October 8, 2001. The Assistant to the President for Homeland Security, in coordination with the Assistant to the President for National Security Affairs, shall be responsible for defining the responsibilities of the Board in coordinating efforts to protect physical assets that support information systems.

Sec. 6. *Membership.* (a) Members of the Board shall be drawn from the executive branch departments, agencies, and offices listed below; in addition, concerned Federal departments and agencies may participate in the activities of appropriate committees of the Board. The Board shall be led by a Chair and Vice Chair, designated by the President. Its other members shall be the following senior officials or their designees:

(i) Secretary of State;

(ii) Secretary of the Treasury;

(iii) Secretary of Defense;

(iv) Attorney General;

(v) Secretary of Commerce;

(vi) Secretary of Health and Human Services;

(vii) Secretary of Transportation;

(viii) Secretary of Energy;

(ix) Director of Central Intelligence;

(x) Chairman of the Joint Chiefs of Staff;

(xi) Director of the Federal Emergency Management Agency;

(xii) Administrator of General Services;

(xiii) Director of the Office of Management and Budget;

(xiv) Director of the Office of Science and Technology Policy;

(xv) Chief of Staff to the Vice President;

(xvi) Director of the National Economic Council;

(xvii) Assistant to the President for National Security Affairs;

(xviii) Assistant to the President for Homeland Security;

(xix) Chief of Staff to the President; and

(xx) Such other executive branch officials as the President may designate.

Members of the Board and their designees shall be full-time or permanent part-time officers or employees of the Federal Government.

(b) In addition, the following officials shall serve as members of the Board and shall form the Board's Coordination Committee:

(i) Director, Critical Infrastructure Assurance Office, Department of Commerce;
(ii) Manager, National Communications System;
(iii) Vice Chair, Chief Information Officers' (CIO) Council;
(iv) Information Assurance Director, National Security Agency;
(v) Deputy Director of Central Intelligence for Community Management; and
(vi) Director, National Infrastructure Protection Center, Federal Bureau of Investigation, Department of Justice.

(c) The Chairman of the Federal Communications Commission may appoint a representative to the Board.

Sec. 7. *Chair.* (a) The Chair also shall be the Special Advisor to the President for Cyberspace Security. Executive branch departments and agencies shall make all reasonable efforts to keep the Chair fully informed in a timely manner, and to the greatest extent permitted by law, of all programs and issues within the purview of the Board. The Chair, in consultation with the Board, shall call and preside at meetings of the Board and set the agenda for the Board. The Chair, in consultation with the Board, may propose policies and programs to appropriate officials to ensure the protection of the Nation's information systems for critical infrastructure, including emergency preparedness communications, and the physical assets that support such systems. To ensure full coordination between the responsibilities of the National Security Council (NSC) and the Office of Homeland Security, the Chair shall report to both the Assistant to the President for National Security Affairs and to the Assistant to the President for Homeland Security. The Chair shall coordinate with the Assistant to the President for Economic Policy on issues relating to private sector systems and economic effects and with the Director of OMB on issues relating to budgets and the security of computer networks addressed in subsection 4(a) of this order.

(b) The Chair shall be assisted by an appropriately sized staff within the White House Office. In addition, heads of executive branch departments and agencies are authorized, to the extent permitted by law, to detail or assign personnel of such departments and agencies to the Board's staff upon request of the Chair, subject to the approval of the Chief of Staff to the President. Members of the Board's staff with responsibilities relating to national security information systems, communications, and information warfare may, with respect to those responsibilities, also work at the direction of the Assistant to the President for National Security Affairs.

Sec. 8. *Standing Committees.* (a) The Board may establish standing and ad hoc committees as appropriate. Representation on standing committees shall not be limited to those departments and agencies on the Board, but may include representatives of other concerned executive branch departments and agencies.

(b) Chairs of standing and ad hoc committees shall report fully and regularly on the activities of the committees to the Board, which shall ensure that the committees are well coordinated with each other.

(c) There are established the following standing committees:

(i) *Private Sector and State and Local Government Outreach*, chaired by the designee of the Secretary of Commerce, to work in coordination with the designee of the Chairman of the National Economic Council.

(ii) *Executive Branch Information Systems Security*, chaired by the designee of the Director of OMB. The committee shall assist OMB in fulfilling its responsibilities under 44 U.S.C. Chapter 35 and other applicable law.

(iii) *National Security Systems.* The National Security Telecommunications and Information Systems Security Committee, as established by and consistent with NSD–42 and chaired by the Department of Defense, shall serve as a Board standing committee, and be redesignated the Committee on National Security Systems.

(iv) *Incident Response Coordination*, co-chaired by the designees of the Attorney General and the Secretary of Defense.

(v) *Research and Development*, chaired by a designee of the Director of OSTP.

(vi) *National Security and Emergency Preparedness Communications.* The NCS Committee of Principals is renamed the Board's Committee for National Security and Emergency Preparedness Communications. The reporting functions established above for standing committees are in addition to the functions set forth in Executive Order 12472 of April 3, 1984, and do not alter any function or role set forth therein.

(vii) *Physical Security*, co-chaired by the designees of the Secretary of Defense and the Attorney General, to coordinate programs to ensure the physical security of information systems for critical infrastructure, including emergency preparedness communications, and the physical assets that support such systems. The standing committee shall coordinate its work with the Office of Homeland Security and shall work closely with the Physical Security Working Group of the Records Access and Information Security Policy Coordinating Committee to ensure coordination of efforts.

(viii) *Infrastructure Interdependencies*, co-chaired by the designees of the Secretaries of Transportation and Energy, to coordinate programs to assess the unique risks, threats, and vulnerabilities associated with the interdependency of information systems for critical infrastructures, including the development of effective models, simulations, and other analytic tools and cost-effective technologies in this area.

(ix) *International Affairs*, chaired by a designee of the Secretary of State, to support Department of State coordination of United States Government programs for international cooperation covering international information infrastructure issues.

(x) *Financial and Banking Information Infrastructure*, chaired by a designee of the Secretary of the Treasury and including representatives of the banking and financial institution regulatory agencies.

(xi) *Other Committees*. Such other standing committees as may be established by the Board.

(d) *Subcommittees.* The chair of each standing committee may form necessary subcommittees with organizational representation as determined by the Chair.

(e) *Streamlining.* The Board shall develop procedures that specify the manner in which it or a subordinate committee will perform the responsibilities previously assigned to the Policy Coordinating Committee. The Board, in coordination with the Director of OSTP, shall review the functions of the Joint Telecommunications Resources Board, established under Executive Order 12472, and make recommendations about its future role.

Sec. 9. *Planning and Budget.* (a) The Board, on a periodic basis, shall propose a National Plan or plans for subjects within its purview. The Board, in coordination with the Office of Homeland Security, also shall make recommendations to OMB on those portions of executive branch department and agency budgets that fall within the Board's purview, after review of relevant program requirements and resources.

(b) The Office of Administration within the Executive Office of the President shall provide the Board with such personnel, funding, and administrative support, to the extent permitted by law and subject to the availability of appropriations, as directed by the Chief of Staff to carry out the provisions of this order. Only those funds that are available for the Office of Homeland Security, established by Executive Order 13228, shall be available for such purposes. To the extent permitted by law and as appropriate, agencies represented on the Board also may provide administrative support for the Board. The National Security Agency shall ensure that the Board's information and communications systems are appropriately secured.

(c) The Board may annually request the National Science Foundation, Department of Energy, Department of Transportation, Environmental Protection Agency, Department of Commerce, Department of Defense, and the Intelligence Community, as that term is defined in Executive Order 12333

of December 4, 1981, to include in their budget requests to OMB funding for demonstration projects and research to support the Board's activities.

Sec. 10. *Presidential Advisory Panels.* The Chair shall work closely with panels of senior experts from outside of the government that advise the President, in particular: the President's National Security Telecommunications Advisory Committee (NSTAC) created by Executive Order 12382 of September 13, 1982, as amended, and the National Infrastructure Advisory Council (NIAC or Council) created by this Executive Order. The Chair and Vice Chair of these two panels also may meet with the Board, as appropriate and to the extent permitted by law, to provide a private sector perspective.

(a) *NSTAC.* The NSTAC provides the President advice on the security and continuity of communications systems essential for national security and emergency preparedness.

(b) *NIAC.* There is hereby established the National Infrastructure Advisory Council, which shall provide the President advice on the security of information systems for critical infrastructure supporting other sectors of the economy: banking and finance, transportation, energy, manufacturing, and emergency government services. The NIAC shall be composed of not more than 30 members appointed by the President. The members of the NIAC shall be selected from the private sector, academia, and State and local government. Members of the NIAC shall have expertise relevant to the functions of the NIAC and generally shall be selected from industry Chief Executive Officers (and equivalently ranked leaders in other organizations) with responsibilities for the security of information infrastructure supporting the critical sectors of the economy, including banking and finance, transportation, energy, communications, and emergency government services. Members shall not be full-time officials or employees of the executive branch of the Federal Government.

(i) The President shall designate a Chair and Vice Chair from among the members of the NIAC.

(ii) The Chair of the Board established by this order will serve as the Executive Director of the NIAC.

(c) *NIAC Functions.* The NIAC will meet periodically to:

(i) enhance the partnership of the public and private sectors in protecting information systems for critical infrastructures and provide reports on this issue to the President, as appropriate;

(ii) propose and develop ways to encourage private industry to perform periodic risk assessments of critical information and telecommunications systems;

(iii) monitor the development of private sector Information Sharing and Analysis Centers (ISACs) and provide recommendations to the Board on how these organizations can best foster improved cooperation among the ISACs, the NIPC, and other Federal Government entities;

(iv) report to the President through the Board, which shall ensure appropriate coordination with the Assistant to the President for Economic Policy under the terms of this order; and

(v) advise lead agencies with critical infrastructure responsibilities, sector coordinators, the NIPC, the ISACs, and the Board.

(d) *Administration of the NIAC.*

(i) The NIAC may hold hearings, conduct inquiries, and establish subcommittees, as appropriate.

(ii) Upon the request of the Chair, and to the extent permitted by law, the heads of the executive branch departments and agencies shall provide the Council with information and advice relating to its functions.

(iii) Senior Federal Government officials may participate in the meetings of the NIAC, as appropriate.

(iv) Members shall serve without compensation for their work on the Council. However, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Federal Government service (5 U.S.C. 5701–5707).

(v) To the extent permitted by law, and subject to the availability of appropriations, the Department of Commerce, through the CIAO, shall provide the NIAC with administrative services, staff, and other support services and such funds as may be necessary for the performance of the NIAC's functions.

(e) *General Provisions.*

(i) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the NIAC, the functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Department of Commerce in accordance with the guidelines and procedures established by the Administrator of General Services.

(ii) The Council shall terminate 2 years from the date of this order, unless extended by the President prior to that date.

(iii) Executive Order 13130 of July 14, 1999, is hereby revoked.

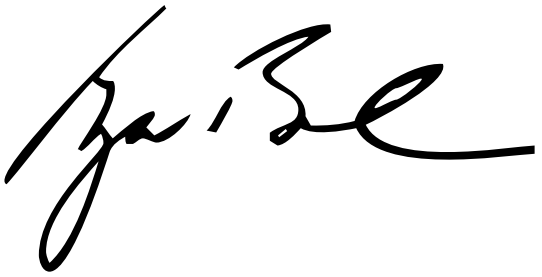
Sec. 11. *National Communications System.* Changes in technology are causing the convergence of much of telephony, data relay, and internet communications networks into an interconnected network of networks. The NCS and its National Coordinating Center shall support use of telephony, converged information, voice networks, and next generation networks for emergency preparedness and national security communications functions assigned to them in Executive Order 12472. All authorities and assignments of responsibilities to departments and agencies in that order, including the role of the Manager of NCS, remain unchanged except as explicitly modified by this order.

Sec. 12. *Counter-intelligence.* The Board shall coordinate its activities with those of the Office of the Counter-intelligence Executive to address the threat to programs within the Board's purview from hostile foreign intelligence services.

Sec. 13. *Classification Authority.* I hereby delegate to the Chair the authority to classify information originally as Top Secret, in accordance with Executive Order 12958 of April 17, 1995, as amended, or any successor Executive Order.

Sec. 14. *General Provisions.* (a) Nothing in this order shall supersede any requirement made by or under law.

(b) This order does not create any right or benefit, substantive or procedural, enforceable at law or equity, against the United States, its departments, agencies or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,
October 16, 2001.

[FR Doc. 01–26509
Filed 10–17–01; 10:32 am]
Billing code 3195–01–P

Executive Order 13232

Further Amendment to Executive Order 10789, as Amended, To Authorize the Department of Health and Human Services To Exercise Certain Contracting Authority in Connection With National Defense Functions

Signed: October 20, 2001

Federal Register page and date: 66 FR 53941, October 24, 2001

Amends: EO 10789, November 14, 1958

Federal Register

Wednesday,
October 24, 2001

Part V

The President

Executive Order 13232—Further Amendment to Executive Order 10789, as Amended, To Authorize the Department of Health and Human Services To Exercise Certain Contracting Authority in Connection With National Defense Functions

Federal Register
Vol. 66, No. 206
Wednesday, October 24, 2001

Presidential Documents

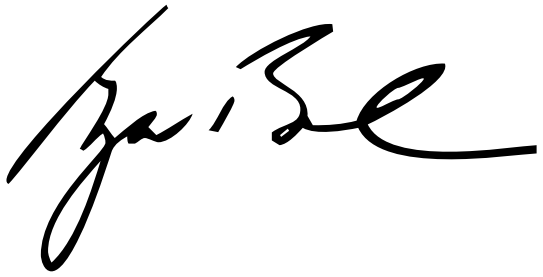
Title 3—

The President

Executive Order 13232 of October 20, 2001

Further Amendment to Executive Order 10789, as Amended, To Authorize the Department of Health and Human Services To Exercise Certain Contracting Authority in Connection With National Defense Functions

By the authority vested in me as President by the Constitution and the laws of the United States of America, including 50 U.S.C. 1431–35, and in order to authorize the Department of Health and Human Services to exercise certain contracting authority in connection with national defense functions, it is hereby ordered that Executive Order 10789 of November 14, 1958, as amended, is further amended by inserting the words ''Department of Health and Human Services'' in the list of departments and agencies in section 21 of that order after the words ''Department of Commerce.''



THE WHITE HOUSE,
October 20, 2001.

[FR Doc. 01–26990
Filed 10–23–01; 11:17 am]
Billing code 3195–01–P

Executive Order 13233
Further Implementation of the Presidential Records Act

Signed: November 1, 2001
Federal Register page and date: 66 FR 56025, November 5, 2001
Revokes: EO 12667, January 18, 1989

Federal Register

Monday,
November 5, 2001

Part IV

The President

Executive Order 13233—Further Implementation of the Presidential Records Act

Federal Register
Vol. 66, No. 214
Monday, November 5, 2001

Presidential Documents

Title 3—

The President

Executive Order 13233 of November 1, 2001

Further Implementation of the Presidential Records Act

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish policies and procedures implementing section 2204 of title 44 of the United States Code with respect to constitutionally based privileges, including those that apply to Presidential records reflecting military, diplomatic, or national security secrets, Presidential communications, legal advice, legal work, or the deliberative processes of the President and the President's advisors, and to do so in a manner consistent with the Supreme Court's decisions in *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977), and other cases, it is hereby ordered as follows:

Section 1. *Definitions.*

For purposes of this order:

(a) ''Archivist'' refers to the Archivist of the United States or his designee.

(b) ''Presidential records'' refers to those documentary materials maintained by the National Archives and Records Administration pursuant to the Presidential Records Act, 44 U.S.C. 2201-2207.

(c) ''Former President'' refers to the former President during whose term or terms of office particular Presidential records were created.

Sec. 2. *Constitutional and Legal Background.*

(a) For a period not to exceed 12 years after the conclusion of a Presidency, the Archivist administers records in accordance with the limitations on access imposed by section 2204 of title 44. After expiration of that period, section 2204(c) of title 44 directs that the Archivist administer Presidential records in accordance with section 552 of title 5, the Freedom of Information Act, including by withholding, as appropriate, records subject to exemptions (b)(1), (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), (b)(8), and (b)(9) of section 552. Section 2204(c)(1) of title 44 provides that exemption (b)(5) of section 552 is not available to the Archivist as a basis for withholding records, but section 2204(c)(2) recognizes that the former President or the incumbent President may assert any constitutionally based privileges, including those ordinarily encompassed within exemption (b)(5) of section 552. The President's constitutionally based privileges subsume privileges for records that reflect: military, diplomatic, or national security secrets (the state secrets privilege); communications of the President or his advisors (the presidential communications privilege); legal advice or legal work (the attorney-client or attorney work product privileges); and the deliberative processes of the President or his advisors (the deliberative process privilege).

(b) In *Nixon v. Administrator of General Services*, the Supreme Court set forth the constitutional basis for the President's privileges for confidential communications: ''Unless [the President] can give his advisers some assurance of confidentiality, a President could not expect to receive the full and frank submissions of facts and opinions upon which effective discharge of his duties depends.'' 433 U.S. at 448-49. The Court cited the precedent of the Constitutional Convention, the records of which were ''sealed for more than 30 years after the Convention.'' *Id.* at 447 n.11. Based on those precedents and principles, the Court ruled that constitutionally based privileges available to a President ''survive[] the individual President's tenure.''*Id.* at 449. The Court also held that a former President, although no longer

a Government official, may assert constitutionally based privileges with respect to his Administration's Presidential records, and expressly rejected the argument that ''only an incumbent President can assert the privilege of the Presidency.'' *Id.* at 448.

(c) The Supreme Court has held that a party seeking to overcome the constitutionally based privileges that apply to Presidential records must establish at least a ''demonstrated, specific need'' for particular records, a standard that turns on the nature of the proceeding and the importance of the information to that proceeding. See *United States v. Nixon*, 418 U.S. 683, 713 (1974). Notwithstanding the constitutionally based privileges that apply to Presidential records, many former Presidents have authorized access, after what they considered an appropriate period of repose, to those records or categories of records (including otherwise privileged records) to which the former Presidents or their representatives in their discretion decided to authorize access. See *Nixon v. Administrator of General Services*, 433 U.S. at 450-51.

Sec. 3. *Procedure for Administering Privileged Presidential Records.*

Consistent with the requirements of the Constitution and the Presidential Records Act, the Archivist shall administer Presidential records under section 2204(c) of title 44 in the following manner:

(a) At an appropriate time after the Archivist receives a request for access to Presidential records under section 2204(c)(1), the Archivist shall provide notice to the former President and the incumbent President and, as soon as practicable, shall provide the former President and the incumbent President copies of any records that the former President and the incumbent President request to review.

(b) After receiving the records he requests, the former President shall review those records as expeditiously as possible, and for no longer than 90 days for requests that are not unduly burdensome. The Archivist shall not permit access to the records by a requester during this period of review or when requested by the former President to extend the time for review.

(c) After review of the records in question, or of any other potentially privileged records reviewed by the former President, the former President shall indicate to the Archivist whether the former President requests withholding of or authorizes access to any privileged records.

(d) Concurrent with or after the former President's review of the records, the incumbent President or his designee may also review the records in question, or may utilize whatever other procedures the incumbent President deems appropriate to decide whether to concur in the former President's decision to request withholding of or authorize access to the records.

(1) When the former President has requested withholding of the records:

(i) If under the standard set forth in section 4 below, the incumbent President concurs in the former President's decision to request withholding of records as privileged, the incumbent President shall so inform the former President and the Archivist. The Archivist shall not permit access to those records by a requester unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.

(ii) If under the standard set forth in section 4 below, the incumbent President does not concur in the former President's decision to request withholding of the records as privileged, the incumbent President shall so inform the former President and the Archivist. Because the former President independently retains the right to assert constitutionally based privileges, the Archivist shall not permit access to the records by a requester unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.

(2) When the former President has authorized access to the records:

(i) If under the standard set forth in section 4 below, the incumbent President concurs in the former President's decision to authorize access to the records, the Archivist shall permit access to the records by the requester.

(ii) If under the standard set forth in section 4 below, the incumbent President does not concur in the former President's decision to authorize access to the records, the incumbent President may independently order the Archivist to withhold privileged records. In that instance, the Archivist shall not permit access to the records by a requester unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.

Sec. 4. *Concurrence by Incumbent President.*

Absent compelling circumstances, the incumbent President will concur in the privilege decision of the former President in response to a request for access under section 2204(c)(1). When the incumbent President concurs in the decision of the former President to request withholding of records within the scope of a constitutionally based privilege, the incumbent President will support that privilege claim in any forum in which the privilege claim is challenged.

Sec. 5. *Incumbent President's Right to Obtain Access.*

This order does not expand or limit the incumbent President's right to obtain access to the records of a former President pursuant to section 2205(2)(B).

Sec. 6. *Right of Congress and Courts to Obtain Access.*

This order does not expand or limit the rights of a court, House of Congress, or authorized committee or subcommittee of Congress to obtain access to the records of a former President pursuant to section 2205(2)(A) or section 2205(2)(C). With respect to such requests, the former President shall review the records in question and, within 21 days of receiving notice from the Archivist, indicate to the Archivist his decision with respect to any privilege. The incumbent President shall indicate his decision with respect to any privilege within 21 days after the former President has indicated his decision. Those periods may be extended by the former President or the incumbent President for requests that are burdensome. The Archivist shall not permit access to the records unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.

Sec. 7. *No Effect on Right to Withhold Records.*

This order does not limit the former President's or the incumbent President's right to withhold records on any ground supplied by the Constitution, statute, or regulation.

Sec. 8. *Withholding of Privileged Records During 12-Year Period.*

In the period not to exceed 12 years after the conclusion of a Presidency during which section 2204(a) and section 2204(b) of title 44 apply, a former President or the incumbent President may request withholding of any privileged records not already protected from disclosure under section 2204. If the former President or the incumbent President so requests, the Archivist shall not permit access to any such privileged records unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.

Sec. 9. *Establishment of Procedures.*

This order is not intended to indicate whether and under what circumstances a former President should assert or waive any privilege. The order is intended to establish procedures for former and incumbent Presidents to make privilege determinations.

Sec. 10. *Designation of Representative.*

The former President may designate a representative (or series or group of alternative representatives, as the former President in his discretion may determine) to act on his behalf for purposes of the Presidential Records Act and this order. Upon the death or disability of a former President, the former President's designated representative shall act on his behalf for purposes of the Act and this order, including with respect to the assertion of constitutionally based privileges. In the absence of any designated representative after the former President's death or disability, the family of the former President may designate a representative (or series or group of alternative representatives, as they in their discre tion may determine) to act on the former President's behalf for purposes of the Act and this order, including with respect to the assertion of constitutionally based privileges.

Sec. 11. *Vice Presidential Records.*

(a) Pursuant to section 2207 of title 44 of the United States Code, the Presidential Records Act applies to the executive records of the Vice President. Subject to subsections (b) and (c), this order shall also apply with respect to any such records that are subject to any constitutionally based privilege that the former Vice President may be entitled to invoke, but in the administration of this order with respect to such records, references in this order to a former President shall be deemed also to be references to the relevant former Vice President.

(b) Subsection (a) shall not be deemed to authorize a Vice President or former Vice President to invoke any constitutional privilege of a President or former President except as authorized by that President or former President.

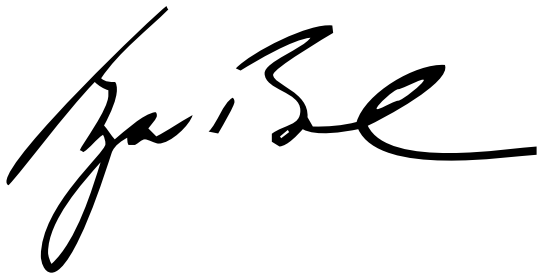
(c) Nothing in this section shall be construed to grant, limit, or otherwise affect any privilege of a President, Vice President, former President, or former Vice President.

Sec. 12. *Judicial Review.*

This order is intended to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party, other than a former President or his designated representative, against the United States, its agencies, its officers, or any person.

Sec. 13. *Revocation.*

Executive Order 12667 of January 18, 1989, is revoked.



THE WHITE HOUSE,
November 1, 2001.

[FR Doc. 01–27917
Filed 11–2–01; 11:23 am]
Billing code 3195–01–P

Executive Order 13234
Presidential Task Force on Citizen Preparedness in the War on Terrorism

Signed: November 9, 2001
Federal Register page and date: 66 FR 57355, November 15, 2001
Amended by: EO 13284, January 23, 2003

Federal Register
Vol. 66, No. 221
Thursday, November 15, 2001

Presidential Documents

Title 3—

The President

Executive Order 13234 of November 9, 2001

Presidential Task Force on Citizen Preparedness in the War on Terrorism

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to support and enhance the efforts of the American public with respect to preparedness and volunteerism in the war on terrorism, it is hereby ordered as follows:

Section 1. *Establishment.* There is hereby established the ''Presidential Task Force on Citizen Preparedness in the War On Terrorism'' (Task Force).

Sec. 2. *Membership.* (a) The Task Force shall be composed of the heads of the following executive branch entities, who may designate representatives from within their respective entities to assist them in their duties in connection with the Task Force: the Office of the Vice President, the Office of Homeland Security, the Domestic Policy Council, the Office of Science and Technology Policy, the Office of Management and Budget, the Department of the Treasury, the Department of Justice, the Department of Labor, the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Transportation, the Department of Energy, the Department of Veterans Affairs, the Environmental Protection Agency, the Federal Emergency Management Agency, and the Corporation for National and Community Service. The heads of other executive branch departments and agencies and other senior executive branch officials may participate in the work of the Task Force upon the invitation of the Co-Chairs.

(b) The heads of the Office of Homeland Security and the Domestic Policy Council, or their designated representatives, shall serve as Co-Chairs of the Task Force.

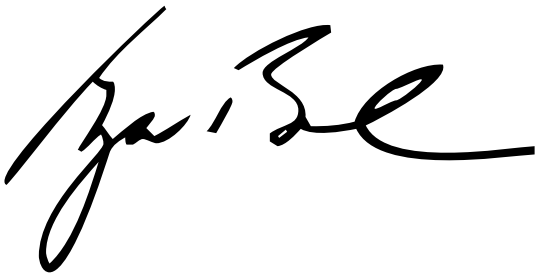
Sec. 3. *Mission.* The Task Force shall identify, review, and recommend appropriate means by which the American public can:

(a) prepare in their homes, neighborhoods, schools, places of worship, workplaces, and public places for the potential consequences of any possible terrorist attacks within the United States; and

(b) volunteer to assist or otherwise support State and local public health and safety officials and others engaged in the effort to prevent, prepare for, and respond to any possible terrorist attacks within the United States.

Sec. 4. *Reporting Requirement.* The Task Force shall submit its recommendations to the President within 40 days from the date of this order.

Sec. 5. *Termination of Task Force.* The Task Force shall terminate 30 days after submitting its report to the President.



THE WHITE HOUSE,
November 9, 2001.

[FR Doc. 01–28762
Filed 11–14–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13235
National Emergency Construction Authority

Signed: November 16, 2001
Federal Register page and date: 66 FR 58343, November 20, 2001
See: Notice of September 12, 2002 (67 FR 58317).

Federal Register

Tuesday,
November 20, 2001

Part VII

The President

Executive Order 13235—National Emergency Construction Authority

Federal Register
Vol. 66, No. 224
Tuesday, November 20, 2001

Presidential Documents

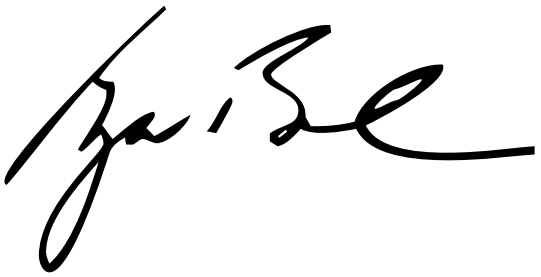
Title 3—

The President

Executive Order 13235 of November 16, 2001

National Emergency Construction Authority

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, I declared a national emergency that requires the use of the Armed Forces of the United States, by Proclamation 7463 of September 14, 2001, because of the terrorist attacks on the World Trade Center and the Pentagon, and because of the continuing and immediate threat to the national security of the United States of further terrorist attacks. To provide additional authority to the Department of Defense to respond to that threat, and in accordance with section 301 of the National Emergencies Act (50 U.S.C. 1631), I hereby order that the emergency construction authority at 10 U.S.C. 2808 is invoked and made available in accordance with its terms to the Secretary of Defense and, at the discretion of the Secretary of Defense, to the Secretaries of the military departments.



THE WHITE HOUSE,
November 16, 2001.

[FR Doc. 01–29219
Filed 11–19–01; 10:37 am]
Billing code 3195–01–P

Executive Order 13236

Waiver of Dual Compensation Provisions of the Central Intelligence Agency Retirement Act of 1964

Signed: November 27, 2001

Federal Register page and date: 66 FR 59671, November 29, 2001

Federal Register

Thursday,
November 29, 2001

Part III

The President

Executive Order 13236—Waiver of Dual Compensation Provisions of the Central Intelligence Agency Retirement Act of 1964

Federal Register
Vol. 66, No. 230
Thursday, November 29, 2001

Presidential Documents

Title 3—

The President

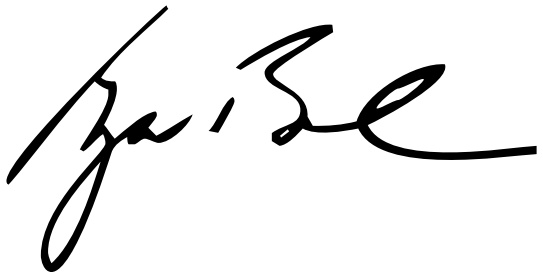
Executive Order 13236 of November 27, 2001

Waiver of Dual Compensation Provisions of the Central Intelligence Agency Retirement Act of 1964

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 292 of the Central Intelligence Agency Retirement Act of 1964, as amended (50 U.S.C. 2141), and in order to conform the Central Intelligence Agency Retirement and Disability System to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

Section 1. The Director of Central Intelligence may waive the application of the dual compensation reduction provisions of sections 271 and 273 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2111 and 2113) for an employee serving on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances. Employees who receive both salary and annuity pursuant to this authority may not earn additional retirement benefits during this period of employment. This authority may be delegated as appropriate.

Sec. 2. Nothing contained in this order is intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees, or any other person.



THE WHITE HOUSE,
November 27, 2001.

[FR Doc. 01–29831
Filed 11–28–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13237
Creation of the President's Council on Bioethics

Signed: November 28, 2001
Federal Register page and date: 66 FR 59851, November 30, 2001
Amended by: EO 13316, September 17, 2003

Federal Register

Friday,
November 30, 2001

Part II

The President

Executive Order 13237—Creation of the President's Council on Bioethics

Federal Register
Vol. 66, No. 231
Friday, November 30, 2001

Presidential Documents

Title 3—

The President

Executive Order 13237 of November 28, 2001

Creation of the President's Council on Bioethics

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Establishment.* There is established the President's Council on Bioethics (the ''Council'').

Sec. 2. *Mission.*

(a) The Council shall advise the President on bioethical issues that may emerge as a consequence of advances in biomedical science and technology. In connection with its advisory role, the mission of the Council includes the following functions:

(1) to undertake fundamental inquiry into the human and moral significance of developments in biomedical and behavioral science and technology;

(2) to explore specific ethical and policy questions related to these developments;

(3) to provide a forum for a national discussion of bioethical issues;

(4) to facilitate a greater understanding of bioethical issues; and

(5) to explore possibilities for useful international collaboration on bioethical issues.

(b) In support of its mission, the Council may study ethical issues connected with specific technological activities, such as embryo and stem cell research, assisted reproduction, cloning, uses of knowledge and techniques derived from human genetics or the neurosciences, and end of life issues. The Council may also study broader ethical and social issues not tied to a specific technology, such as questions regarding the protection of human subjects in research, the appropriate uses of biomedical technologies, the moral implications of biomedical technologies, and the consequences of limiting scientific research.

(c) The Council shall strive to develop a deep and comprehensive understanding of the issues that it considers. In pursuit of this goal, the Council shall be guided by the need to articulate fully the complex and often competing moral positions on any given issue, rather than by an overriding concern to find consensus. The Council may therefore choose to proceed by offering a variety of views on a particular issue, rather than attempt to reach a single consensus position.

(d) The Council shall not be responsible for the review and approval of specific projects or for devising and overseeing regulations for specific government agencies.

(e) In support of its mission, the Council may accept suggestions of issues for consideration from the heads of other Government agencies and other sources, as it deems appropriate.

(f) In establishing priorities for its activities, the Council shall consider the urgency and gravity of the particular issue; the need for policy guidance and public education on the particular issue; the connection of the bioethical issue to the goal of Federal advancement of science and technology; and the existence of another entity available to deliberate appropriately on the bioethical issue.

Sec. 3. *Membership.*

(a) The Council shall be composed of not more than 18 members appointed by the President from among individuals who are not officers or employees of the Federal Government. The Council shall include members drawn from the fields of science and medicine, law and government, philosophy and theology, and other areas of the humanities and social sciences.

(b) The President shall designate a member of the Council to serve as Chairperson.

(c) The term of office of a member shall be 2 years, and members shall be eligible for reappointment. Members may continue to serve after the expiration of their terms until the President appoints a successor. A member appointed to fill a vacancy shall serve only for the unexpired term of such vacancy.

Sec. 4. *Administration.*

(a) Upon the request of the Chairperson, the heads of executive departments and agencies shall, to the extent permitted by law, provide the Council with information it needs for purposes of carrying out its functions.

(b) The Council may conduct inquiries, hold hearings, and establish subcommittees, as necessary.

(c) The Council is authorized to conduct analyses and develop reports or other materials.

(d) Members of the Council may be compensated to the extent permitted by Federal law for their work on the Council. Members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707), to the extent funds are available.

(e) To the extent permitted by law, and subject to the availability of appropriations, the Department of Health and Human Services shall provide the Council with administrative support and with such funds as may be necessary for the performance of the Council's functions.

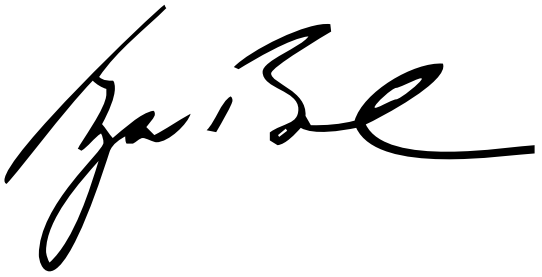
(f) The Council shall have a staff headed by an Executive Director, who shall be appointed by the Secretary of Health and Human Services in consultation with the Chairperson. To the extent permitted by law, office space, analytical support, and additional staff support for the Council shall be provided by the Department of Health and Human Services or other executive branch departments and agencies as directed by the President.

Sec. 5. *General Provisions.*

(a) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Council, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Secretary of Health and Human Services in accordance with the guidelines that have been issued by the Administrator of General Services.

(b) The Council shall terminate 2 years from the date of this order unless extended by the President prior to that date.

(c) This order is intended only to improve the internal management of the executive branch and it is not intended to create any right, benefit, trust, or responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.



THE WHITE HOUSE,
November 28, 2001.

[FR Doc. 01–29948
Filed 11–29–01; 10:19 am]
Billing code 3195–01–P

Executive Order 13238

Closing of Federal Government Executive Departments and Agencies on Monday, December 24, 2001

Signed: December 5, 2001

Federal Register page and date: 66 FR 63903, December 10, 2001

See: EO 11582, February 11, 1971



Federal Register

Monday,

December 10, 2001

Part VII

The President

Executive Order 13238—Closing of Federal Government Executive Departments and Agencies on Monday, December 24, 2001

Federal Register
Vol. 66, No. 237
Monday, December 10, 2001

Presidential Documents

Title 3—

The President

Executive Order 13238 of December 5, 2001

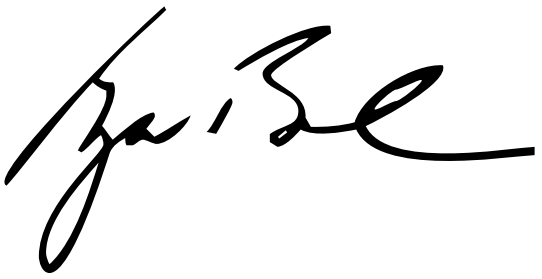
Closing of Federal Government Executive Departments and Agencies on Monday, December 24, 2001

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. All executive branch departments and agencies of the Federal Government shall be closed and their employees excused from duty on Monday, December 24, 2001, the day before Christmas Day, except as provided in section 2 below.

Sec. 2. The heads of executive branch departments and agencies may determine that certain offices and installations of their organizations, or parts thereof, must remain open and that certain employees must report for duty on December 24, 2001, for reasons of national security or defense or other public reasons.

Sec. 3. Monday, December 24, 2001, shall be considered as falling within the scope of Executive Order 11582 of February 11, 1971, and of 5 U.S.C. 5546 and 6103(b) and other similar statutes insofar as they relate to the pay and leave of employees of the United States.



THE WHITE HOUSE,
December 5, 2001.

[FR Doc. 01–30624
Filed 12–7–01; 10:08 am]
Billing code 3195–01–P

Executive Order 13239
Designation of Afghanistan and the Airspace Above as a Combat Zone

Signed: December 12, 2001
Federal Register page and date: 66 FR 64907, December 14, 2001

Federal Register

Friday,
December 14, 2001

Part II

The President

Executive Order 13239—Designation of Afghanistan and the Airspace Above as a Combat Zone

Federal Register
Vol. 66, No. 241
Friday, December 14, 2001

Presidential Documents

Title 3—

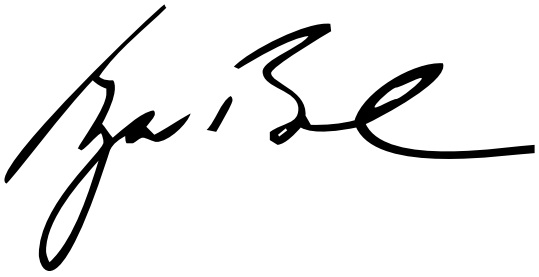
The President

Executive Order 13239 of December 12, 2001

Designation of Afghanistan and the Airspace Above as a Combat Zone

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States of America, including section 112 of the Internal Revenue Code of 1986 (26 U.S.C. 112), I designate, for purposes of that section, Afghanistan, including the airspace above, as an area in which Armed Forces of the United States are and have been engaged in combat.

For purposes of this order, I designate September 19, 2001, as the date of the commencement of combatant activities in such zone.



THE WHITE HOUSE,
December 12, 2001.

[FR Doc. 01–31119
Filed 12–13–01; 11:38 am]
Billing code 3195–01–P

Executive Order 13240
Council of Europe in Respect of the Group of States Against Corruption

Signed: December 18, 2001
Federal Register page and date: 66 FR 66257, December 21, 2001

Federal Register

Friday,
December 21, 2001

Part VII

The President

Executive Order 13240—Council of Europe in Respect of the Group of States Against Corruption

Executive Order 13241—Providing an Order of Succession Within the Department of Agriculture

Executive Order 13242—Providing an Order of Succession Within the Department of Commerce

Executive Order 13243—Providing an Order of Succession Within the Department of Housing and Urban Development

Federal Register
Vol. 66, No. 246
Friday, December 21, 2001

Presidential Documents

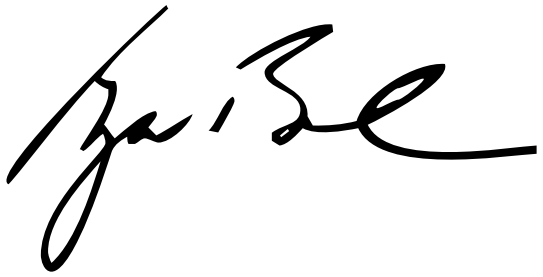
Title 3—

The President

Executive Order 13240 of December 18, 2001

Council of Europe in Respect of the Group of States Against Corruption

By the authority vested in me as President by the Constitution and the laws of the United States, including section 1 of the International Organizations Immunities Act (22 U.S.C. 288) (the ''Act''), and having found that the Council of Europe in Respect of the Group of States Against Corruption (GRECO) is a public international organization in which the United States participates within the meaning of the Act, I hereby designate GRECO as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the Act. This designation is not intended to abridge in any respect privileges, exemptions, or immunities that such organization may have acquired or may acquire by international agreement or by law.



THE WHITE HOUSE,
December 18, 2001.

[FR Doc. 01–31665
Filed 12–20–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13241
Providing an Order of Succession Within the Department of Agriculture

Signed: December 18, 2001
Federal Register page and date: 66 FR 66258, December 21, 2001
Revokes: EO 11957, January 13, 1977
Amended by: EO 13261, March 19, 2002

Presidential Documents

Executive Order 13241 of December 18, 2001

Providing an Order of Succession Within the Department of Agriculture

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of Agriculture (Secretary) during any period when both the Secretary and the Deputy Secretary of Agriculture (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

Sec. 2. *Order of Succession.*

(a) Under Secretary of Agriculture for Farm and Foreign Agricultural Services;

(b) Under Secretary of Agriculture for Marketing and Regulatory Programs;

(c) Under Secretary of Agriculture for Rural Development;

(d) Under Secretary of Agriculture for Food, Nutrition, and Consumer Services;

(e) Under Secretary of Agriculture for Natural Resources and Environment;

(f) Under Secretary of Agriculture for Research, Education, and Economics;

(g) Under Secretary of Agriculture for Food Safety;

(h) General Counsel of the Department of Agriculture;

(i) Assistant Secretary of Agriculture for Administration; and

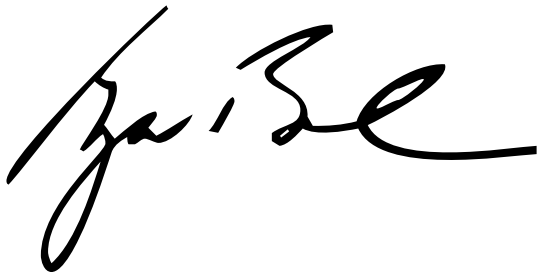
(j) Assistant Secretary of Agriculture for Congressional Relations.

Sec. 3. *Exceptions.*

(a) No individual who is serving in an office listed in section 2(a)–(j) in an acting capacity shall act as Secretary pursuant to this Executive Order.

(b) Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.

Sec. 4. Executive Order 11957 of January 13, 1977, is hereby revoked.



THE WHITE HOUSE,
December 18, 2001.

[FR Doc. 01–31666
Filed 12–20–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13242

Providing an Order of Succession Within the Department of Commerce

Signed: December 18, 2001

Federal Register page and date: 66 FR 66260, December 21, 2001

Revokes: EO 11880, October 2, 1975; EO 12608, September 9, 1987 (in part); EO 12998, April 5, 1996

Amended by: EO 13261, March 19, 2002

Presidential Documents

Executive Order 13242 of December 18, 2001

Providing an Order of Succession Within the Department of Commerce

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of Commerce (Secretary) during any period when both the Secretary and the Deputy Secretary of Commerce (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

Sec. 2. *Order of Succession.*

(a) General Counsel of the Department of Commerce;

(b) Under Secretary of Commerce for International Trade;

(c) Under Secretary of Commerce for Economic Affairs;

(d) Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration;

(e) Under Secretary of Commerce for Technology;

(f) Under Secretary of Commerce for Export Administration;

(g) Chief Financial Officer of the Department of Commerce and Assistant Secretary of Commerce in charge of Administration; and

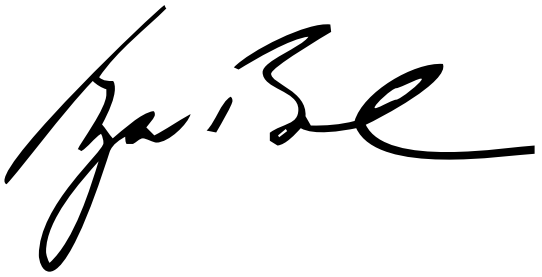
(h) Assistant Secretary of Commerce in charge of Legislative and Intergovernmental Affairs.

Sec. 3. *Exceptions.*

(a) No individual who is serving in an office listed in section 2(a)–(h) in an acting capacity shall act as Secretary pursuant to this Executive Order.

(b) Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.

Sec. 4. Executive Order 11880 of October 2, 1975, Executive Order 12998 of April 5, 1996, and section 26 of Executive Order 12608 of September 9, 1987, are hereby revoked.



THE WHITE HOUSE,
December 18, 2001.

[FR Doc. 01–31667
Filed 12–20–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13243

Providing an Order of Succession Within the Department of Housing and Urban Development

Signed: December 18, 2001

Federal Register page and date: 66 FR 66262, December 21, 2001

Revokes: EO 11274, March 30, 1966

Amended by: EO 13261, March 19, 2002

Presidential Documents

Executive Order 13243 of December 18, 2001

Providing an Order of Succession Within the Department of Housing and Urban Development

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of Housing and Urban Development (Secretary) during any period when both the Secretary and the Deputy Secretary of Housing and Urban Development (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

Sec. 2. *Order of Succession.*

(a) General Counsel of the Department of Housing and Urban Development;

(b) Assistant Secretary of Housing and Urban Development in charge of Housing-Federal Housing Commission;

(c) Assistant Secretary of Housing and Urban Development in charge of Community, Planning and Development;

(d) Assistant Secretary of Housing and Urban Development in charge of Public and Indian Housing;

(e) Assistant Secretary of Housing and Urban Development in charge of Policy Development and Research;

(f) Assistant Secretary of Housing and Urban Development in charge of Fair Housing and Equal Opportunity;

(g) Assistant Secretary of Housing and Urban Development in charge of Congressional and Intergovernmental Relations;

(h) Assistant Secretary of Housing and Urban Development in charge of Administration; and

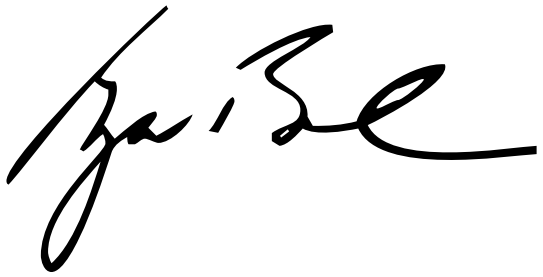
(i) Assistant Secretary of Housing and Urban Development in charge of Public Affairs.

Sec. 3. *Exceptions.*

(a) No individual who is serving in an office listed in section 2(a)–(i) in an acting capacity shall act as Secretary pursuant to this Executive Order.

(b) Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.

Sec. 4. Executive Order 11274 of March 30, 1996, is hereby revoked.



THE WHITE HOUSE,
December 18, 2001.

[FR Doc. 01–31668
Filed 12–20–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13244
Providing an Order of Succession Within the Department of the Interior

Signed: December 18, 2001
Federal Register page and date: 66 FR 66267, December 21, 2001
Revokes: EO 11487, October 6, 1969
Amended by: EO 13261, March 19, 2002

Federal Register

Friday,
December 21, 2001

Part VIII

The President

Executive Order 13244—Providing an Order of Succession Within the Department of the Interior

Executive Order 13245—Providing an Order of Succession Within the Department of Labor

Executive Order 13246—Providing an Order of Succession Within the Department of the Treasury

Executive Order 13247—Providing an Order of Succession Within the Department of Veterans Affairs

Federal Register
Vol. 66, No. 246
Friday, December 21, 2001

Presidential Documents

Title 3—

The President

Executive Order 13244 of December 18, 2001

Providing an Order of Succession Within the Department of the Interior

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of the Interior (Secretary) during any period when both the Secretary and the Deputy Secretary of the Interior (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

Sec. 2. *Order of Succession.*

(a) Solicitor of the Department of the Interior;

(b) Assistant Secretary of the Interior in charge of Policy, Management and Budget;

(c) Assistant Secretary of the Interior in charge of Land and Minerals Management;

(d) Assistant Secretary of the Interior in charge of Water and Science;

(e) Assistant Secretary of the Interior for Fish and Wildlife and Parks; and

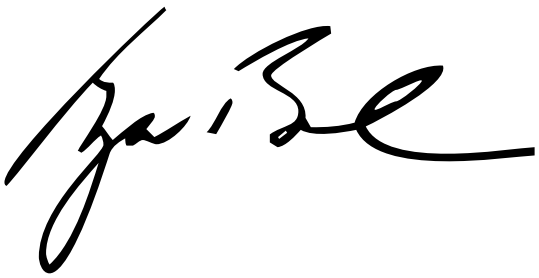
(f) Assistant Secretary of the Interior for Indian Affairs.

Sec. 3. *Exceptions.*

(a) No individual who is serving in an office listed in section 2(a)–(f) in an acting capacity shall act as Secretary pursuant to this Executive Order.

(b) Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.

Sec. 4. Executive Order 11487 of October 6, 1969, is hereby revoked.



THE WHITE HOUSE,
December 18, 2001.

[FR Doc. 01–31669
Filed 12–20–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13245
Providing an Order of Succession Within the Department of Labor

Signed: December 18, 2001
Federal Register page and date: 66 FR 66268, December 21, 2001
Revokes: EO 10513, January 19, 1954
Amended by: EO 13261, March 19, 2002

Presidential Documents

Executive Order 13245 of December 18, 2001

Providing an Order of Succession Within the Department of Labor

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of Labor (Secretary) during any period when both the Secretary and the Deputy Secretary of Labor (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

Sec. 2. *Order of Succession.*

(a) Solicitor of Labor;

(b) Assistant Secretary of Labor in charge of Administration and Management;

(c) Assistant Secretary of Labor in charge of Policy;

(d) Assistant Secretary of Labor in charge of Congressional and Intergovernmental Affairs;

(e) Assistant Secretary of Labor in charge of the Employment and Training Administration;

(f) Assistant Secretary of Labor in charge of the Employment Standards Administration;

(g) Assistant Secretary of Labor in charge of the Pension and Welfare Benefits Administration;

(h) Assistant Secretary of Labor for Occupational Safety and Health;

(i) Assistant Secretary of Labor for Mine Safety and Health;

(j) Assistant Secretary of Labor in charge of the Office of Public Affairs;

(k) Assistant Secretary of Labor for Veterans' Employment and Training; and

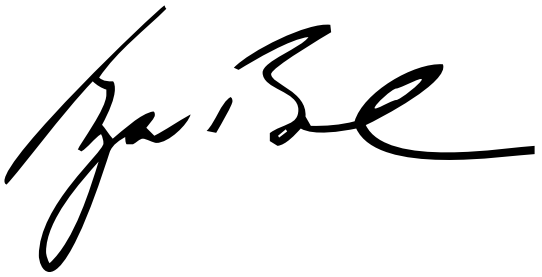
(l) Assistant Secretary of Labor in charge of the Office of Disability Employment Policy.

Sec. 3. *Exceptions.*

(a) No individual who is serving in an office listed in section 2(a)–(l) in an acting capacity shall act as Secretary pursuant to this Executive Order.

(b) Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.

Sec. 4. Executive Order 10513 of January 19, 1954, is hereby revoked.



THE WHITE HOUSE,
December 18, 2001.

[FR Doc. 01–31670
Filed 12–20–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13246
Providing an Order of Succession Within the Department of the Treasury

Signed: December 18, 2001
Federal Register page and date: 66 FR 66270, December 21, 2001
Revokes: EO 11822, December 10, 1974
Amended by: EO 13261, March 19, 2002

Presidential Documents

Executive Order 13246 of December 18, 2001

Providing an Order of Succession Within the Department of the Treasury

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of the Treasury (Secretary) during any period when both the Secretary and the Deputy Secretary of the Treasury (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

Sec. 2. *Order of Succession.*

(a) Under Secretaries of the Treasury (including the Under Secretary of the Treasury for Enforcement), in the order in which they shall have taken the oath of office as such officers;

(b) General Counsel of the Department of the Treasury; and

(c) Deputy Under Secretaries of the Treasury and those Assistant Secretaries of the Treasury appointed by the President by and with the consent of the Senate, in the order in which they shall have taken the oath of office as such officers.

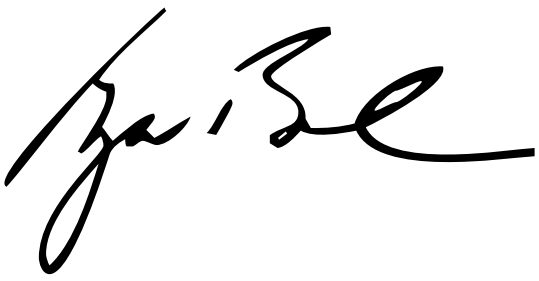
Sec. 3. *Exceptions.*

(a) No individual who is serving in an office listed in section 2(a)–(c) in an acting capacity shall act as Secretary pursuant to this Executive Order.

(b) Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent

permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.

Sec. 4. Executive Order 11822 of December 10, 1974, is hereby revoked.



THE WHITE HOUSE,
December 18, 2001.

[FR Doc. 01–31671
Filed 12–20–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13247
Providing an Order of Succession Within the Department of Veterans Affairs

Signed: December 18, 2001
Federal Register page and date: 66 FR 66271, December 21, 2001
Amended by: EO 13261, March 19, 2002

Presidential Documents

Executive Order 13247 of December 18, 2001

Providing an Order of Succession Within the Department of Veterans Affairs

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

Sec. 1. Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of Veterans Affairs (Secretary) during any period when both the Secretary and the Deputy Secretary of Veterans Affairs (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

Sec. 2. *Order of Succession.*

(a) Under Secretary of Veterans Affairs for Health;

(b) Under Secretary of Veterans Affairs for Benefits;

(c) Under Secretary of Veterans Affairs for Memorial Affairs;

(d) General Counsel of the Department of Veterans Affairs;

(e) Assistant Secretaries of Veterans Affairs, in the order in which they shall have taken the oath of office as Assistant Secretaries, other than the Chief Financial Officer and, if an Assistant Secretary, the Chief Information Officer;

(f) Chief Information Officer of the Department of Veterans Affairs, if the Chief Information Officer is an officer appointed by the President by and with the consent of the Senate;

(g) Chief Financial Officer of the Department of Veterans Affairs; and

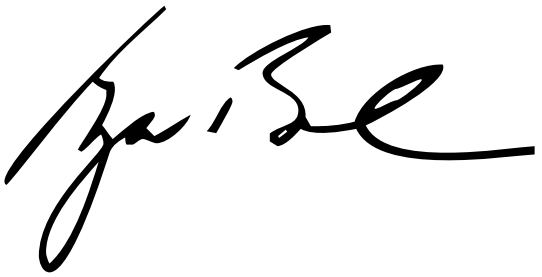
(h) Chairman, Board of Veterans' Appeals.

Sec. 3. *Exceptions.*

(a) No individual who is serving in an office listed in section 2(a)–(h) in an acting capacity shall act as Secretary pursuant to this Executive Order.

(b) Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent permitted by Subchapter III of Chapter

33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.



THE WHITE HOUSE,
December 18, 2001.

[FR Doc. 01–31672
Filed 12–20–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13248

Establishing an Emergency Board To Investigate a Dispute Between United Airlines, Inc., and its Mechanics and Related Employees Represented by the International Association of Machinists and Aerospace Workers

Signed: December 20, 2001

Federal Register page and date: 66 FR 66705, December 27, 2001

Federal Register
Vol. 66, No. 248
Thursday, December 27, 2001

Presidential Documents

Title 3—

The President

Executive Order 13248 of December 20, 2001

Establishing an Emergency Board To Investigate a Dispute Between United Airlines, Inc., and its Mechanics and Related Employees Represented by the International Association of Machinists and Aerospace Workers

A dispute exists between United Airlines, Inc., and its employees represented by the International Association of Machinists and Aerospace Workers.

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188) (the ''Act'').

In the judgment of the National Mediation Board, this dispute threatens substantially to interrupt interstate commerce to a degree that would deprive sections of the country of essential transportation service.

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States, including sections 10 and 201 of the Act (45 U.S.C. 160 and 181), it is hereby ordered as follows:

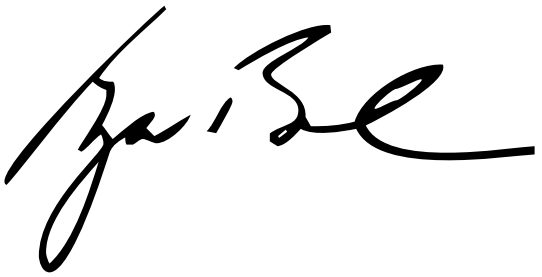
Section 1. *Establishment of the Board (Board).* There is established, effective December 21, 2001, a Board of three members to be appointed by the President to investigate and report on this dispute. No member may be pecuniarily or otherwise interested in any organization of airline employees or any air carrier. The Board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* The Board shall report to the President with respect to this dispute within 30 days of its creation.

Sec. 3. *Maintaining Conditions.* As provided by section 10 of the Act, from the date of the creation of the Board and for 30 days after the Board has submitted its report to the President, no change in the conditions out of which the dispute arose shall be made by the parties to the controversy, except by the agreement of the parties.

Sec. 4. *Records Maintenance.* The records and files of the Board are records of the Office of the President and upon the Board's termination shall be maintained in the physical custody of the National Mediation Board.

Sec. 5. *Expiration.* The Board shall terminate upon the submission of the report provided for in section 2 of this order.



THE WHITE HOUSE,
December 20, 2001.

[FR Doc. 01–31959
Filed 12–26–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13249
Adjustments of Certain Rates of Pay

Signed: December 28, 2001
Federal Register page and date: 67 FR 639, January 7, 2002
Supersedes: EO 13182, December 23, 2000

Federal Register
Vol. 67, No. 4
Monday, January 7, 2002

Presidential Documents

Title 3—

The President

Executive Order 13249 of December 28, 2001

Adjustments of Certain Rates of Pay

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the laws cited herein, it is hereby ordered as follows:

Section 1. *Statutory Pay Systems.* The rates of basic pay or salaries of the statutory pay systems (as defined in 5 U.S.C. 5302(1)), as adjusted under 5 U.S.C. 5303(a), are set forth on the schedules attached hereto and made a part hereof:

(a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1;

(b) The Foreign Service Schedule (22 U.S.C. 3963) at Schedule 2; and

(c) The schedules for the Veterans Health Administration of the Department of Veterans Affairs (38 U.S.C. 7306, 7404; section 301(a) of Public Law 102–40) at Schedule 3.

Sec. 2. *Senior Executive Service.* The rates of basic pay for senior executives in the Senior Executive Service, as adjusted under 5 U.S.C. 5382, are set forth on Schedule 4 attached hereto and made a part hereof.

Sec. 3. *Executive Salaries.* The rates of basic pay or salaries for the following offices and positions are set forth on the schedules attached hereto and made a part hereof:

(a) The Executive Schedule (5 U.S.C. 5312–5318) at Schedule 5;

(b) The Vice President (3 U.S.C. 104) and the Congress (2 U.S.C. 31) at Schedule 6; and

(c) Justices and judges (28 U.S.C. 5, 44(d), 135, 252, and 461(a)) at Schedule 7.

Sec. 4. *Uniformed Services.* Pursuant to section 601 of S. 1438, the National Defense Authorization Act for Fiscal Year 2002 (which I signed into law on December 28, 2001), the rates of monthly basic pay (37 U.S.C. 203(a)) for members of the uniformed services and the rate of monthly cadet or midshipman pay (37 U.S.C. 203(c)) are set forth on Schedule 8 attached hereto and made a part hereof.

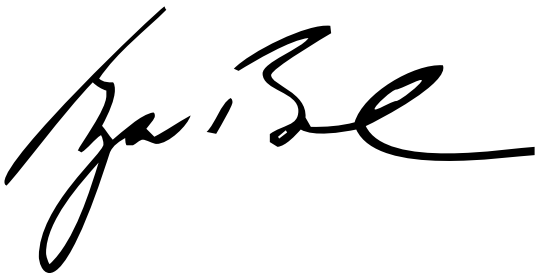
Sec. 5. *Locality-Based Comparability Payments.* (a) Pursuant to sections 5304 and 5304a of title 5, United States Code, and in accordance with section 646(a) of the Treasury and General Government Appropriations Act, 2002, Public Law 107–67, locality-based comparability payments shall be paid in accordance with Schedule 9 attached hereto and made a part hereof.

(b) The Director of the Office of Personnel Management shall take such actions as may be necessary to implement these payments and to publish appropriate notice of such payments in the **Federal Register**.

Sec. 6. *Administrative Law Judges.* The rates of basic pay for administrative law judges, as adjusted under 5 U.S.C. 5372(b)(4), are set forth on Schedule 10 attached hereto and made a part hereof.

Sec. 7. *Effective Dates.* Schedule 8 is effective on January 1, 2002. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2002.

Sec. 8. *Prior Order Superseded.* Executive Order 13182 of December 23, 2000, is superseded.



THE WHITE HOUSE,
December 28, 2001.

Billing code 3195–01–P

SCHEDULE 1--GENERAL SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2002)

1	2	3	4	5	6	7	8	9	10
$14,757	$15,249	$15,740	$16,228	$16,720	$17,009	$17,492	$17,981	$18,001	$18,456
16,592	16,985	17,535	18,001	18,201	18,736	19,271	19,806	20,341	20,876
18,103	18,706	19,309	19,912	20,515	21,118	21,721	22,324	22,927	23,530
20,322	20,999	21,676	22,353	23,030	23,707	24,384	25,061	25,738	26,415
22,737	23,495	24,253	25,011	25,769	26,527	27,285	28,043	28,801	29,559
25,344	26,189	27,034	27,879	28,724	29,569	30,414	31,259	32,104	32,949
28,164	29,103	30,042	30,981	31,920	32,859	33,798	34,737	35,676	36,615
31,191	32,231	33,271	34,311	35,351	36,391	37,431	38,471	39,511	40,551
34,451	35,599	36,747	37,895	39,043	40,191	41,339	42,487	43,635	44,783
37,939	39,204	40,469	41,734	42,999	44,264	45,529	46,794	48,059	49,324
41,684	43,073	44,462	45,851	47,240	48,629	50,018	51,407	52,796	54,185
49,959	51,624	53,289	54,954	56,619	58,284	59,949	61,614	63,279	64,944
59,409	61,389	63,369	65,349	67,329	69,309	71,289	73,269	75,249	77,229
70,205	72,545	74,885	77,225	79,565	81,905	84,245	86,585	88,925	91,265
82,580	85,333	88,086	90,839	93,592	96,345	99,098	101,851	104,604	107,357

SCHEDULE 2--FOREIGN SERVICE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2002)

Step	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9
1	$82,580	$66,914	$54,220	$43,934	$35,599	$31,825	$28,450	$25,434	$22,737
2	85,057	68,921	55,847	45,252	36,667	32,780	29,304	26,197	23,419
3	87,609	70,989	57,522	46,610	37,767	33,763	30,183	26,983	24,122
4	90,237	73,119	59,248	48,008	38,900	34,776	31,088	27,792	24,845
5	92,945	75,312	61,025	49,448	40,067	35,819	32,021	28,626	25,591
6	95,733	77,572	62,856	50,932	41,269	36,894	32,981	29,485	26,358
7	98,605	79,899	64,742	52,459	42,507	38,001	33,971	30,370	27,149
8	101,563	82,296	66,684	54,033	43,782	39,141	34,990	31,281	27,964
9	104,610	84,765	68,684	55,654	45,096	40,315	36,040	32,219	28,803
10	107,357	87,308	70,745	57,324	46,449	41,524	37,121	33,186	29,667
11	107,357	89,927	72,867	59,044	47,842	42,770	38,234	34,181	30,557
12	107,357	92,625	75,053	60,815	49,277	44,053	39,381	35,207	31,473
13	107,357	95,403	77,305	62,639	50,756	45,375	40,563	36,263	32,418
14	107,357	98,265	79,624	64,519	52,278	46,736	41,780	37,351	33,390

SCHEDULE 3--VETERANS HEALTH ADMINISTRATION SCHEDULES
DEPARTMENT OF VETERANS AFFAIRS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2002)

Schedule for the Office of the Under Secretary for Health
(38 U.S.C. 7306)*

Deputy Under Secretary for Health		$140,243 **
Associate Deputy Under Secretary for Health		134,327 ***
Assistant Under Secretaries for Health		130,367 ***
	Minimum	Maximum
Medical Directors	$111,230	$126,064 ***
Service Directors	96,851	120,282
Director, National Center for Preventive Health	82,580	120,282

Physician and Dentist Schedule

Director Grade	$96,851	$120,282
Executive Grade	89,432	113,978
Chief Grade	82,580	107,357
Senior Grade	70,205	91,265
Intermediate Grade	59,409	77,229
Full Grade	49,959	64,944
Associate Grade	41,684	54,185

Clinical Podiatrist and Optometrist Schedule

Chief Grade	$82,580	$107,357
Senior Grade	70,205	91,265
Intermediate Grade	59,409	77,229
Full Grade	49,959	64,944
Associate Grade	41,684	54,185

Physician Assistant and Expanded-Function Dental Auxiliary Schedule ****

Director Grade	$82,580	$107,357
Assistant Director Grade	70,205	91,265
Chief Grade	59,409	77,229
Senior Grade	49,959	64,944
Intermediate Grade	41,684	54,185
Full Grade	34,451	44,783
Associate Grade	29,646	38,538
Junior Grade	25,344	32,949

* This schedule does not apply to the Assistant Under Secretary for Nursing Programs or the Director of Nursing Services. Pay for these positions is set by the Under Secretary for Health under 38 U.S.C. 7451.

** Pursuant to section 7404(d)(1) of title 38, United States Code, the rate of basic pay payable to this employee is limited to the rate for level IV of the Executive Schedule, which is $130,000.

*** Pursuant to section 7404(d)(2) of title 38, United States Code, the rate of basic pay payable to these employees is limited to the rate for level V of the Executive Schedule, which is $121,600.

**** Pursuant to section 301(a) of Public Law 102-40, these positions are paid according to the Nurse Schedule in 38 U.S.C. 4107(b) as in effect on August 14, 1990, with subsequent adjustments.

SCHEDULE 4--SENIOR EXECUTIVE SERVICE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2002)

ES-1	$113,000
ES-2	118,300
ES-3	123,700
ES-4	129,800
ES-5	130,000
ES-6	130,000

SCHEDULE 5--EXECUTIVE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2002)

level I	$166,700
level II	150,000
level III	138,200
level IV	130,000
level V	121,600

SCHEDULE 6--VICE PRESIDENT AND MEMBERS OF CONGRESS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2002)

Vice President	$192,600
Senators	150,000
Members of the House of Representatives	150,000
Delegates to the House of Representatives	150,000
Resident Commissioner from Puerto Rico	150,000
President pro tempore of the Senate	166,700
Majority leader and minority leader of the Senate	166,700
Majority leader and minority leader of the House of Representatives	166,700
Speaker of the House of Representatives	192,600

SCHEDULE 7--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2002)

Chief Justice of the United States	$192,600
Associate Justices of the Supreme Court	184,400
Circuit Judges	159,100
District Judges	150,000
Judges of the Court of International Trade	150,000

SCHEDULE 8–PAY OF THE UNIFORMED SERVICES
(Effective on January 1, 2002)

Part I–MONTHLY BASIC PAY

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
COMMISSIONED OFFICERS															
O-10 **	-	-	-	-	-	-	-	-	-	-	-	$11,601.90*	$11,659.20*	$11,901.30*	$12,324.00*
O-9	-	-	-	-	-	-	-	-	-	-	-	10,147.50	10,293.60	10,504.80	10,873.80
O-8	$7,180.20	$7,415.40	$7,571.10	$7,614.90	$7,809.30	$8,135.10	$8,210.70	$8,519.70	$8,608.50	$8,874.30	$9,259.50	9,614.70	9,852.00	9,852.00	9,852.00
O-7	5,966.40	6,371.70	6,371.70	6,418.20	6,657.90	6,840.30	7,051.20	7,261.80	7,472.70	8,135.10	8,694.90	8,694.90	8,694.90	8,694.90	8,738.70
O-6	4,422.00	4,857.90	5,176.80	5,176.80	5,196.60	5,418.90	5,448.60	5,448.60	5,628.60	6,305.70	6,627.00	6,948.30	7,131.00	7,316.10	7,675.20
O-5	3,537.00	4,152.60	4,440.30	4,494.30	4,673.10	4,673.10	4,813.50	5,073.30	5,413.50	5,755.80	5,919.00	6,079.80	6,262.80	6,262.80	6,262.80
O-4	3,023.70	3,681.90	3,927.60	3,982.50	4,210.50	4,395.90	4,696.20	4,930.20	5,092.50	5,255.70	5,310.60	5,310.60	5,310.60	5,310.60	5,310.60
O-3 ***	2,796.60	3,170.40	3,421.80	3,698.70	3,875.70	4,070.10	4,232.40	4,441.20	4,549.50	4,549.50	4,549.50	4,549.50	4,549.50	4,549.50	4,549.50
O-2 ***	2,416.20	2,751.90	3,169.50	3,276.30	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O-1 ***	2,097.60	2,183.10	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50
COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER															
O-3E	-	-	-	$3,698.70	$3,875.70	$4,070.10	$4,232.40	$4,441.20	$4,617.00	$4,717.50	$4,855.20	$4,855.20	$4,855.20	$4,855.20	$4,855.20
O-2E	-	-	-	3,276.30	3,344.10	3,450.30	3,630.00	3,768.90	3,872.40	3,872.40	3,872.40	3,872.40	3,872.40	3,872.40	3,872.40
O-1E	-	-	-	2,638.50	2,818.20	2,922.30	3,028.50	3,133.20	3,276.30	3,276.30	3,276.30	3,276.30	3,276.30	3,276.30	3,276.30

* Basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule, which is $11,516.70 per month.

** For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be $13,598.10 per month, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule, which is $11,516.70 per month.

*** Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

SCHEDULE 8–PAY OF THE UNIFORMED SERVICES (PAGE 2)

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
WARRANT OFFICERS															
W-5	-	-	-	-	-	-	-	-	-	-	-	$4,965.60	$5,136.00	$5,307.00	$5,478.60
W-4	$2,889.60	$3,108.60	$3,198.00	$3,285.90	$3,437.10	$3,586.50	$3,737.70	$3,885.30	$4,038.00	$4,184.40	$4,334.40	4,480.80	4,632.60	4,782.00	4,935.30
W-3	2,638.80	2,862.00	2,862.00	2,898.90	3,017.40	3,152.40	3,330.90	3,439.50	3,558.30	3,693.90	3,828.60	3,963.60	4,098.30	4,233.30	4,368.90
W-2	2,321.40	2,454.00	2,569.80	2,654.10	2,726.40	2,875.20	2,984.40	3,093.90	3,200.40	3,318.00	3,438.90	3,559.80	3,680.10	3,801.30	3,801.30
W-1	2,049.90	2,217.60	2,330.10	2,402.70	2,511.90	2,624.70	2,737.80	2,850.00	2,963.70	3,077.10	3,189.90	3,275.10	3,275.10	3,275.10	3,275.10
ENLISTED MEMBERS															
E-9 *	-	-	-	-	-	-	$3,423.90	$3,501.30	$3,599.40	$3,714.60	$3,830.40	$3,944.10	$4,098.30	$4,251.30	$4,467.00
E-8	-	-	-	-	-	$2,858.10	2,940.60	3,017.70	3,110.10	3,210.30	3,314.70	3,420.30	3,573.00	3,724.80	3,937.80
E-7	$1,986.90	$2,169.00	$2,251.50	$2,332.50	$2,417.40	2,562.90	2,645.10	2,726.40	2,808.00	2,892.60	2,975.10	3,057.30	3,200.40	3,292.80	3,526.80
E-6	1,701.00	1,870.80	1,953.60	2,033.70	2,117.40	2,254.50	2,337.30	2,417.40	2,499.30	2,558.10	2,602.80	2,602.80	2,602.80	2,602.80	2,602.80
E-5	1,561.50	1,665.30	1,745.70	1,828.50	1,912.80	2,030.10	2,110.20	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30
E-4	1,443.60	1,517.70	1,599.60	1,680.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E-3	1,303.50	1,385.40	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E-2	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1 **	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50
E-1 ***	1,022.70	-	-	-	-	-	-	-	-	-	-	-	-	-	-

* For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $5,382.90 per month, regardless of cumulative years of service under section 205 of title 37, United States Code.

** Applies to personnel who have served 4 months or more on active duty.

*** Applies to personnel who have served less than 4 months on active duty.

SCHEDULE 8–PAY OF THE UNIFORMED SERVICES (PAGE 3)

Part II–RATE OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by section 203(c) of title 37, United States Code, is $734.10.

Note: As a result of the enactment of sections 602-694 of Public Law 105-85, the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Defense now has the authority to adjust the rates of basic allowances for subsistence and housing. Therefore, these allowances are no longer adjusted by the President in conjunction with the adjustment of basic pay for members of the uniformed services. Accordingly, the tables of allowances included in previous orders are not included here.

SCHEDULE 9--LOCALITY-BASED COMPARABILITY PAYMENTS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2002)

Locality Pay Area[1]	Rate
Atlanta, GA	9.74%
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI	13.57%
Chicago-Gary-Kenosha, IL-IN-WI	14.58%
Cincinnati-Hamilton, OH-KY-IN	12.09%
Cleveland-Akron, OH	10.33%
Columbus, OH	10.70%
Dallas-Fort Worth, TX	10.90%
Dayton-Springfield, OH	9.62%
Denver-Boulder-Greeley, CO	13.34%
Detroit-Ann Arbor-Flint, MI	14.71%
Hartford, CT	14.11%
Houston-Galveston-Brazoria, TX	18.61%
Huntsville, AL	9.08%
Indianapolis, IN	8.85%
Kansas City, MO-KS	9.28%
Los Angeles-Riverside-Orange County, CA	16.05%
Miami-Fort Lauderdale, FL	12.45%
Milwaukee-Racine, WI	10.05%
Minneapolis-St. Paul, MN-WI	11.56%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA	15.23%
Orlando, FL	8.67%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD	12.11%
Pittsburgh, PA	9.52%
Portland-Salem, OR-WA	11.64%
Richmond-Petersburg, VA	9.67%
Sacramento-Yolo, CA	11.99%
St. Louis, MO-IL	8.98%
San Diego, CA	12.70%
San Francisco-Oakland-San Jose, CA	19.04%
Seattle-Tacoma-Bremerton, WA	11.77%
Washington-Baltimore, DC-MD-VA-WV	11.48%
Rest of U.S.	8.64%

SCHEDULE 10-ADMINISTRATIVE LAW JUDGES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2002)

AL-3/A	$ 86,500
AL-3/B	93,100
AL-3/C	99,800
AL-3/D	106,500
AL-3/E	113,100
AL-3/F	119,700
AL-2	126,500
AL-1	130,000

[1]Locality Pay Areas are defined in 5 CFR 531.603.

[FR Doc. 02–448

Filed 1–4–02; 8:45 am]

Billing code 3195–01–C

Executive Order 13250
Providing an Order of Succession Within the Department of Health and Human Services

Signed: December 28, 2001
Federal Register page and date: 67 FR 1597, January 11, 2002
Amended by: EO 13261, March 19, 2002

Federal Register

Friday,
January 11, 2002

Part III

The President

Executive Order 13250—Providing an Order of Succession Within the Department of Health and Human Services

Executive Order 13251—Providing an Order of Succession Within the Department of State

Executive Order 13252—Exclusions From the Federal Labor-Management Relations Program

Federal Register
Vol. 67, No. 8
Friday, January 11, 2002

Presidential Documents

Title 3—

The President

Executive Order 13250 of December 28, 2001

Providing an Order of Succession Within the Department of Health and Human Services

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the Office of the Secretary of Health and Human Services (Secretary) during any period when both the Secretary and the Deputy Secretary of Health and Human Services (Deputy Secretary) have died, resigned, or become otherwise unable to perform the functions and duties of the office of Secretary.

Sec. 2. *Order of Succession.*

(a) The Assistant Secretaries of Health and Human Services appointed by the President and confirmed by the Senate, in the order in which they shall have taken the oath of office as such;

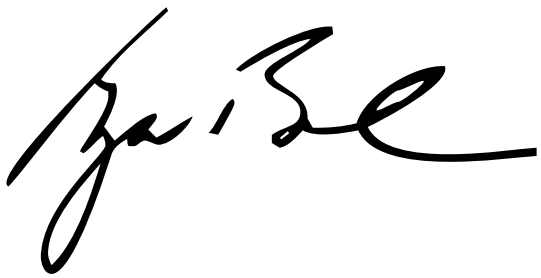
(b) The General Counsel of the Department of Health and Human Services; and

(c) Other officers within the Department of Health and Human Services who have been appointed by the President by and with the consent of the Senate, in the order in which they shall have taken the oath of office as such.

Sec. 3. *Exceptions.*

(a) No individual who is serving in an office listed in section 2(a)–(c) of this order in an acting capacity shall act as Secretary pursuant to this order.

(b) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, to depart from this order in designating an acting Secretary.



THE WHITE HOUSE,
December 28, 2001.

[FR Doc. 02–917
Filed 01–10–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13251
Providing an Order of Succession Within the Department of State

Signed: December 28, 2001
Federal Register page and date: 67 FR 1599, January 11, 2002
Revokes: EO 12343, January 27, 1982
Amended by: EO 13261, March 19, 2002

Presidential Documents

Executive Order 13251 of December 28, 2001

Providing an Order of Succession Within the Department of State

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this order, the officers named in section 2, in the order listed, shall act as, and perform the duties of, the office of Secretary of State (Secretary) during any period in which the Secretary has died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary.

Sec. 2. *Order of Succession.*

(a) Deputy Secretary of State;

(b) Deputy Secretary of State for Management and Resources;

(c) Under Secretary of State designated for political affairs pursuant to section 2651a(b) of title 22, United States Code;

(d) Under Secretary of State designated for management affairs pursuant to section 2651a(b) of title 22, United States Code;

(e) The remaining Under Secretaries of State, in the order in which they shall have taken the oath of office as such;

(f) Assistant Secretaries of State designated for regional bureaus pursuant to section 2651a(c) of title 22, United States Code, in the order in which they shall have taken the oath of office as such;

(g) The following officers, in the order in which they shall have taken the oath of office as such:

(1) Remaining Assistant Secretaries of State;

(2) Coordinator for Counterterrorism;

(3) Director General of the Foreign Service; and

(4) Legal Adviser;

(h) United States Representative to the United Nations (New York);

(i) Deputy United States Representative to the United Nations (New York);

(j) The following other United States Representatives to the United Nations (New York), in the order in which they shall have taken the oath of office as such:

(1) United States Representative to the United Nations for United Nations Management and Reform;

(2) United States Representative to the United Nations on the Economic and Social Council of the United Nations; and

(3) Alternate United States Representative to the United Nations for Special Political Affairs in the United Nations;

(k) The following Chiefs of Mission, in the order listed:

(1) United States Ambassador to the United Kingdom;

(2) United States Ambassador to Canada;

(3) United States Ambassador to Australia;

(4) United States Ambassador to Mexico;

(5) United States Ambassador to Japan; and

(6) United States Ambassador to India;

(l) The following officers, in the order in which they shall have taken the oath of office as such:

(1) United States Ambassadors at Large;

(2) Counselor; and

(3) Special Representatives of the President; and

(m) The remaining Chiefs of Mission, in the order in which they shall have taken the oath of office as such.

Sec. 3. *Exceptions.*

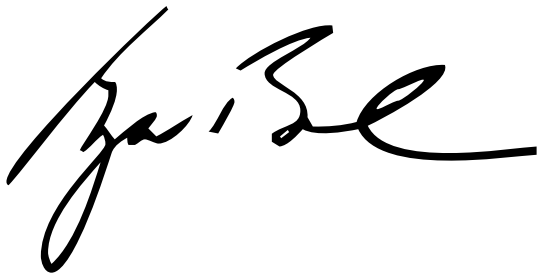
(a) No individual who has not been appointed by the President by and with the consent of the Senate shall act as Secretary pursuant to this order.

(b) No individual who is serving in an office listed in section 2(a)-(m) in an acting capacity shall act as Secretary pursuant to this order.

(c) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, to depart from this order in designating an acting Secretary.

(d) A successor office, intended to be the equivalent of an office identified in section 2 of this order, shall be deemed to be the position identified in section 2 for purposes of this order.

Sec. 4. Executive Order 12343 of January 27, 1982, is hereby revoked.



THE WHITE HOUSE,
December 28, 2001.

[FR Doc. 02–918
Filed 1–10–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13252
Exclusions From the Federal Labor-Management Relations Program

Signed: January 7, 2002
Federal Register page and date: 67 FR 1601, January 11, 2002
Amends: EO 12171, November 19, 1979

Presidential Documents

Executive Order 13252 of January 7, 2002

Exclusions From the Federal Labor-Management Relations Program

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7103(b)(1) of title 5, United States Code, and in order to exempt certain subdivisions of the Department of Justice from coverage under the Federal Labor-Management Relations Program, it is hereby ordered as follows:

Section 1. *Determinations.* The subdivisions of the Department of Justice set forth in section 2 of this order are hereby determined to have as a primary function intelligence, counterintelligence, investigative, or national security work. It is further determined that chapter 71 of title 5, United States Code, cannot be applied to these subdivisions in a manner consistent with national security requirements and considerations.

Sec. 2. *Amendment of Executive Order 12171.* Executive Order 12171 of November 19, 1979, as amended, is further amended by adding to the end of section 1–209 the following new subsections:

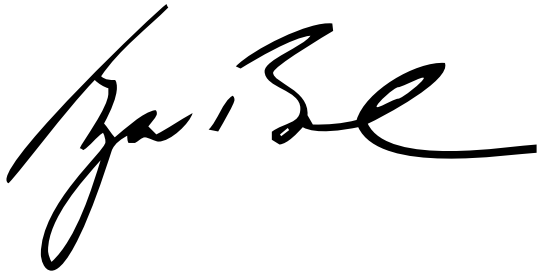
''(c) United States Attorneys' Offices.

(d) Criminal Division.

(e) INTERPOL—U.S. National Central Bureau.

(f) National Drug Intelligence Center.

(g) Office of Intelligence Policy and Review.''



THE WHITE HOUSE,
January 7, 2002.

[FR Doc. 02–919
Filed 1–10–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13253

Amendment to Executive Order 13223, Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation

Signed: January 16, 2002

Federal Register page and date: 67 FR 2791, January 18, 2002

Amends: EO 13223, September 14, 2001

See: Notice of September 12, 2002 (67 FR 58317).

Federal Register

Friday,
January 18, 2002

Part VI

The President

Executive Order 13253—Amendment to Executive Order 13223, Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation

Federal Register
Vol. 67, No. 13
Friday, January 18, 2002

Presidential Documents

Title 3—

The President

Executive Order 13253 of January 16, 2002

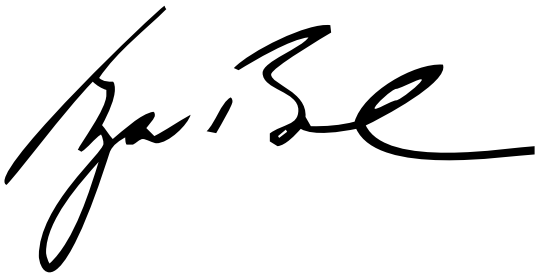
Amendment to Executive Order 13223, Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and section 301 of title 3, United States Code, and in furtherance of Proclamation 7463 of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, which declared a national emergency by reason of the terrorist attacks on the World Trade Center, New York, New York, and the Pentagon, and the continuing and immediate threat of further attacks on the United States, and in order to provide the Secretary of Transportation, with respect to the Coast Guard, with the authority to manage personnel requirements in a manner consistent with the authorization provided to the Secretary of Defense in Executive Order 13223 of September 14, 2001, it is hereby ordered as follows:

Section 1. Section 5 of Executive Order 13223 is amended by adding at the end: ''The Secretary of Transportation is further designated and empowered, without the approval, ratification or any other action by the President, to exercise the authority vested in the President by sections 123 and 123a of title 10, United States Code, and sections 149 (detail members to assist foreign governments), 275(a) (suspension of provisions on selection, promotion, or involuntary separation of officers), and 722 (administration of reserve forces) of title 14, United States Code, as invoked by section 2 of Executive Order 13223.''

Sec. 2. Section 7 of Executive Order 13223 is deleted and revised to read as follows: ''Based upon my determination under 10 U.S.C. 2201(c) that it is necessary to increase (subject to limits imposed by law) the number of members of the armed forces on active duty for the Department of Defense beyond the number for which funds are provided in the appropriation Act for the Department of Defense, which, by virtue of 14 U.S.C. 652, applies to the Department of Transportation with respect to the Coast Guard, the Secretary of Defense and the Secretary of Transportation may provide

for the cost of such additional members under their respective jurisdictions as an excepted expense under section 11(a) of title 41, United States Code.''



THE WHITE HOUSE,
January 16, 2002.

[FR Doc. 02–1594
Filed 1–17–02; 10:43 am]
Billing code 3195–01–P

Executive Order 13254
Establishing the USA Freedom Corps

Signed: January 29, 2002
Federal Register page and date: 67 FR 4869, February 1, 2002
Amends: EO 13286, February 28, 2003

Federal Register
Vol. 67, No. 22
Friday, February 1, 2002

Presidential Documents

Title 3—

The President

Executive Order 13254 of January 29, 2002

Establishing the USA Freedom Corps

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* Building on our Nation's rich tradition of citizen service, this Administration's policy is to foster a culture of responsibility, service, and citizenship by promoting, expanding, and enhancing public service opportunities for all Americans and by making these opportunities readily available to citizens from all geographic areas, professions, and walks of life. More specifically, this Administration encourages all Americans to serve their country for the equivalent of at least 2 years (4,000 hours) over their lifetimes. Toward those ends, the executive departments, agencies, and offices constituting the USA Freedom Corps shall coordinate and strengthen Federal and other service opportunities, including opportunities for participation in homeland security preparedness and response, other areas of public and social service, and international service. The executive branch departments, agencies, and offices also will work with State and local governments and private entities to foster and encourage participation in public and social service programs, as appropriate.

Sec. 2. *USA Freedom Corps.* The USA Freedom Corps shall be an interagency initiative, bringing together executive branch departments, agencies, and offices with public service programs and components, including but not limited to programs and components with the following functions:

(i) recruiting, mobilizing, and encouraging all Americans to engage in public service;

(ii) providing concrete opportunities to engage in public service;

(iii) providing the public with access to information about public service opportunities through Federal programs and elsewhere; and

(iv) providing recognition and awards to volunteers and other participants in public service programs.

Sec. 3. *USA Freedom Corps Council.* (a) *Establishment and Mission.* There shall be a USA Freedom Corps Council (Council) chaired by the President and composed of heads of executive branch departments, agencies, and offices, which shall have the following functions:

(i) serving as a forum for Federal officials responsible for public service programs to coordinate and improve public service programs and activities administered by the executive branch;

(ii) working to encourage all Americans to engage in public service, whether through Federal programs or otherwise;

(iii) advising the President and heads of executive branch departments, agencies, and offices concerning the optimization of current Federal programs to enhance public service opportunities;

(iv) coordinating public outreach and publicity of citizen service opportunities provided by Federal programs;

(v) encouraging schools, universities, private public service organizations, and other non-Federal entities to foster and reward public service;

(vi) studying the availability of public service opportunities provided by the Federal Government and elsewhere; and

(vii) tracking progress in participation in public service programs.

(b) *Membership.* In addition to the Chair, the members of the Council shall be the heads of the executive branch departments, agencies, and offices listed below, or their designees, and such other officers of the executive branch as the President may from time to time designate. Every member of the Council or designee shall be a full-time or permanent part-time officer or employee of the Federal Government. Members shall not be compensated for their service on the Council in addition to the salaries they receive as employees or officers of the Federal Government.

(i) Vice President;

(ii) Attorney General;

(iii) Secretary of State;

(iv) Secretary of Health and Human Services;

(v) Secretary of Commerce;

(vi) Secretary of Education;

(vii) Secretary of Veterans Affairs;

(viii) Director of the Federal Emergency Management Agency;

(ix) Chief Executive Officer of the Corporation for National and Community Service;

(x) Director of the Peace Corps;

(xi) Administrator of the United States Agency for International Development;

(xii) Director of the USA Freedom Corps Office; and

(xiii) Director of the Office of Faith-Based and Community Initiatives.

(c) *Chair.* The President shall be the Chair of the USA Freedom Corps Council, and in his absence, the Vice President shall serve as Chair. The Director of the USA Freedom Corps Office may, at the President's direction, preside over meetings of the Council in the President's and Vice President's absence.

(d) *Honorary Co-Chair.* The President may, from time to time, designate an Honorary Co-Chair or Co-Chairs, who shall serve in an advisory role to the Council and to the President on matters considered by the Council. Any Honorary Co-Chair shall be a full-time or permanent part-time employee or officer of the Federal Government.

(e) *Meetings.* The Council shall meet at the President's direction. The Director of the USA Freedom Corps Office shall be responsible, at the President's direction, for determining the agenda, ensuring that necessary papers are prepared, and recording Council actions and Presidential decisions.

(f) *Responsibilities of Executive Branch Departments, Agencies, and Offices.*

(i) Members of the Council shall remain responsible for overseeing the programs administered by their respective departments, agencies, and offices. Each such department, agency, and office will retain its authority and responsibility to administer those programs according to law;

(ii) Each executive branch department, agency, or office with responsibility for programs relating to the functions and missions of the USA Freedom Corps as described in section 2 of this order shall be responsible for identifying those public service opportunities and coordinating with the USA Freedom Corps Council to ensure that such programs are, if appropriate, publicized and encouraged by the Council; and

(iii) Upon the request of the Chair, and to the extent permitted by law, the heads of executive branch departments and agencies shall provide the Council with relevant information.

Sec. 4. *USA Freedom Corps Office.* (a) *General.* The USA Freedom Corps also shall be supported by a USA Freedom Corps Office (Office), which

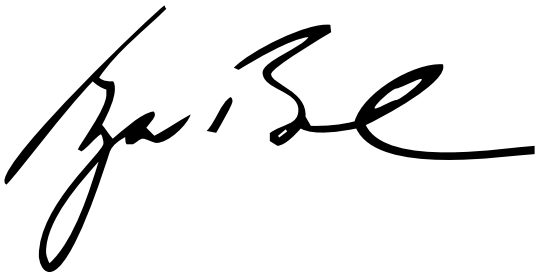
shall be a component of the White House Office. The USA Freedom Corps Office shall have a Director who shall be appointed by the President. The Director shall be assisted by an appropriate staff within the White House Office.

(b) *Presidential Recognition to Participants in USA Freedom Corps Programs.* In addition to supporting and facilitating the functions of the Council listed in section 3 of this order, the Office shall support the President in providing recognition to volunteers and other participants in programs and activities relating to the functions and missions of the USA Freedom Corps as described in section 2 of this order.

Sec. 5. *General Provisions.* (a) The White House Office shall provide the Council and Office with such funding and administrative support, to the extent permitted by law and subject to the availability of appropriations, as directed by the Chief of Staff to the President to carry out the provisions of this order.

(b) This order does not alter the existing authorities or roles of executive branch departments, agencies, or offices. Nothing in this order shall supersede any requirement made by or under law.

(c) This order does not create any right or benefit, substantive or procedural, enforceable at law or equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,
January 29, 2002.

[FR Doc. 02–2638
Filed 1–31–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13255

Amendment to Executive Order 13227, President's Commission on Excellence in Special Education

Signed: February 6, 2002

Federal Register page and date: 67 FR 6157, February 8, 2002

Amends: EO 13227, October 2, 2001

See: EO 13316, September 17, 2003

Federal Register

Friday,
February 8, 2002

Part VIII

The President

Executive Order 13255—Amendment to Executive Order 13227, President's Commission on Excellence in Special Education

Federal Register
Vol. 67, No. 27
Friday, February 8, 2002

Presidential Documents

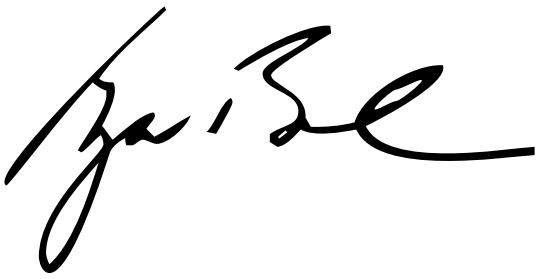
Title 3—

The President

Executive Order 13255 of February 6, 2002

Amendment to Executive Order 13227, President's Commission on Excellence in Special Education

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to extend the reporting date of the President's Commission on Excellence in Special Education, it is hereby ordered that Executive Order 13227 of October 2, 2001, is amended by deleting ''April 30, 2002'' in section 3(b) of that order and inserting in lieu thereof ''July 1, 2002''.



THE WHITE HOUSE,
February 6, 2002.

[FR Doc. 02–3337
Filed 2–7–02; 11:44 am]
Billing code 3195–01–P

Executive Order 13256
President's Board of Advisors on Historically Black Colleges and Universities

Signed: February 12, 2002
Federal Register page and date: 67 FR 6823, February 14, 2002
Amended by: EO 13316, September 17, 2003
Revokes: EO 12876, November 1, 1993

Federal Register
Vol. 67, No. 31
Thursday, February 14, 2002

Presidential Documents

Title 3—

The President

Executive Order 13256 of February 12, 2002

President's Board of Advisors on Historically Black Colleges and Universities

By the authority vested in me as President by the Constitution and the laws of the United States of America, in order to advance the development of the Nation's full human potential and to advance equal opportunity in higher education, to strengthen the capacity of historically black colleges and universities to provide the highest quality education, and to increase opportunities for these institutions to participate in and benefit from Federal programs, as do other colleges and universities, it is hereby ordered as follows:

Section 1. There is established, in the Office of the Secretary of Education, a Presidential advisory committee entitled the ''President's Board of Advisors on Historically Black Colleges and Universities'' (Board). The Board shall prepare and issue an annual report to the President on the results of the participation of historically black colleges and universities in Federal programs. The Board also shall provide advice to the President and to the Secretary of Education (Secretary) regarding the needs of historically black colleges and universities in the areas of infrastructure, academic programs, and faculty and institutional development. In the annual report to the President, the Board shall make recommendations on how to increase the private sector role, including the role of private foundations, in strengthening historically black colleges and universities. Particular emphasis should also be given in the report to enhancing institutional planning and development, strengthening fiscal stability and financial management, and improving institutional infrastructure, including the use of technology, to ensure the long-term viability and enhancement of these institutions.

Sec. 2. The Board shall be appointed by the President. The Board membership shall include sitting presidents of historically black colleges and universities, representatives of other higher education institutions, business and financial leaders, representatives of private foundations, and secondary school administrators. The President shall designate a Chair or Co-Chairs from among the members.

Sec. 3. The White House Initiative on Historically Black Colleges and Universities (Initiative), located in the Office of the Secretary of Education, shall: (1) provide staff, resources, and assistance to the Board; (2) assist the Secretary in performing the liaison function between the executive branch and historically black colleges and universities; and (3) serve the Secretary in carrying out the responsibilities described in section 6 of this order.

Sec. 4. To carry out this order, each executive department and agency identified by the Secretary may, consistent with applicable law and regulations, enter into appropriate grants, contracts, or cooperative agreements with historically black colleges and universities. The head of each department or agency so identified shall establish an annual plan that will establish clear goals for how the department or agency intends to increase the capacity of historically black colleges and universities to compete effectively for grants, contracts, or cooperative agreements and to encourage historically black colleges and universities to participate in Federal programs. The department's or agency's annual goal should be clearly reflected in the department's or agency's annual budget submission to the Office of Management and

Budget. To facilitate the attainment of these goals, the head of each department or agency identified by the Secretary shall provide, as appropriate, technical assistance and information to historically black colleges and universities regarding the program activities of the department or agency and the preparation of applications or proposals for grants, contracts, or cooperative agreements.

Sec. 5. Each executive department and agency identified by the Secretary shall appoint a senior official, who is a full-time officer of the Federal Government, to report directly to the department or agency head with respect to department or agency activity under this order, and to serve as liaison to the Board and to the Initiative. To the extent permitted by law and regulations, each executive department and agency identified by the Secretary shall provide appropriate information requested by the Board and staff pursuant to the order.

Sec. 6. Each executive department and agency identified by the Secretary shall develop an annual plan for, and shall document the agency's effort in, increasing the capacity of historically black colleges and universities to participate in Federal programs. Each department's and agency's plan shall describe new or existing department and agency programs and measurable objectives for proposed department and agency actions, in connection with those programs, to achieve the purposes of this order. These plans shall be submitted at such time and in such form as the Secretary shall require. In consultation with the participating departments and agencies, the Secretary shall review the plans and develop, with the advice of the Board, an integrated Annual Federal Plan for Assistance to Historically Black Colleges and Universities for submission to the President. The Secretary shall provide the president of each historically black college and university with a copy of, and an opportunity to comment on, the proposed Annual Federal Plan prior to its submission to the President. Each participating department and agency shall submit to the Secretary an Annual Performance Report that shall measure each department's and agency's performance against the objectives set forth in the department's or agency's annual plan. The Secretary shall be responsible for monitoring compliance with the Annual Federal Plan after it is approved by the President.

Sec. 7. In developing its annual plan, each executive department and agency identified by the Secretary shall emphasize programs and activities that develop the capacity of historically black colleges and universities to contribute to the development of human capital and to strengthen America's economic and technological base through: (1) infrastructure development and acquisitions for instruction and research; (2) student and faculty doctoral fellowships and faculty development; (3) domestic and international faculty and student exchanges and study-abroad opportunities; (4) undergraduate and graduate student internships; and (5) summer, part-time, and permanent employment opportunities.

Sec. 8. Each year, the Board shall report to the President on the progress achieved in enhancing the capacity of historically black colleges and universities to serve their students, including findings and recommendations for individual departments and agencies in connection with their Annual Performance Reports, as described in section 6 of this order.

Sec. 9. The Board, in consultation with the Department of Education and other executive departments and agencies, shall develop a Private Sector Strategy to assist historically black colleges and universities in: (1) increasing voluntary private-sector contributions to support the enhancement of endowments and the overall financial stability of such institutions; (2) improving and enhancing the quality and number of private-sector partnerships focused on academic program development, student achievement and faculty development, cooperative research and development projects, and faculty exchanges; and (3) improving information management, and facilities, and strengthening academic course offerings.

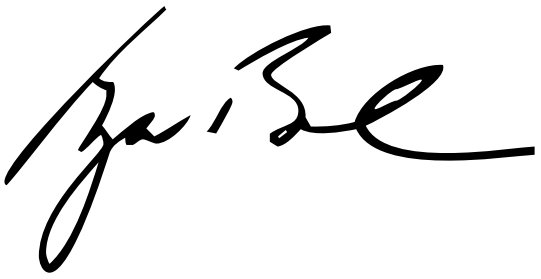
Sec. 10. (a) The provisions in this Executive Order shall be implemented to the fullest extent permitted by law.

(b) The Department of Education shall provide funding and administrative support for the Board and the Initiative.

(c) Members of the Board shall serve without compensation, but shall be reimbursed for all travel expenses, including per diem in lieu of subsistence, as authorized by law;

(d) Insofar as the Federal Advisory Committee Act, as amended, may apply to the Board, any functions of the President under that Act, except for those in section 6 of that Act, shall be performed by the Department of Education, in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 11. Executive Order 12876 of November 1, 1993, as amended, is hereby revoked.



THE WHITE HOUSE,
February 12, 2002.

[FR Doc. 02–3826
Filed 2–13–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13257
President's Interagency Task Force To Monitor and Combat Trafficking in Persons

Signed: February 13, 2002
Federal Register page and date: 67 FR 7259, February 19, 2002
Amends: EO 13286, February 28, 2003
See: EO 13228, October 8, 2001
Amended by: EO 13333, March 18, 2004

Federal Register
Vol. 67, No. 33
Tuesday, February 19, 2002

Presidential Documents

Title 3—

The President

Executive Order 13257 of February 13, 2002

President's Interagency Task Force To Monitor and Combat Trafficking in Persons

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Trafficking Victims Protection Act of 2000, (22 U.S.C. 7103) (the ''Act''), and in order to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims, it is hereby ordered as follows:

Section 1. (a) The President's Interagency Task Force to Monitor and Combat Trafficking in Persons is hereby established.

(b) The Task Force shall consist of:

(i) the Secretary of State;

(ii) the Attorney General;

(iii) the Secretary of Labor;

(iv) the Secretary of Health and Human Services;

(v) the Director of Central Intelligence;

(vi) the Director of the Office of Management and Budget;

(vii) the Administrator of the United States Agency for International Development; and

(viii) any additional officers or employees of the United States as may be designated by the President.

(c) The Task Force shall be chaired by the Secretary of State.

Sec. 2. *Activities.* The Task Force shall, consistent with applicable law and the constitutional authorities and duties of the President, carry out the following activities:

(a) coordinate the implementation of the Act;

(b) measure and evaluate progress of the United States and other countries in the areas of trafficking in persons prevention, protection, and assistance to victims of trafficking in persons, and prosecutions and other enforcement efforts against traffickers, including the role of public corruption in facilitating trafficking in persons;

(c) assist the Secretary of State in the preparation of the annual reports described in section 110 of the Act;

(d) expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking in persons, while ensuring that any data collection procedures involved, respect the confidentiality of victims of trafficking in persons;

(e) engage in efforts to facilitate cooperation among countries of origin, transit, and destination, and such efforts shall aim to strengthen local and regional capacities to prevent trafficking in persons, prosecute traffickers and assist trafficking victims; shall include initiatives to enhance cooperative efforts between destination countries, transit countries, and countries of origin; and shall assist in the appropriate reintegration of stateless victims of trafficking in persons;

(f) examine the role of the international ''sex tourism'' industry in the trafficking of persons and in the sexual exploitation of women and children around the world;

(g) engage in consultation and advocacy with governmental and nongovernmental organizations, among other entities, to advance the purposes of the Act; and

(h) address such other matters related to the purposes of the Act as the President may determine.

Sec. 3. *Administration.* (a) The Department of State shall provide funding and administrative support for the Task Force, except as otherwise provided by the Act.

(b) At the call of the Chair, the Task Force shall meet as necessary to accomplish its mission.

(c) Task Force members may designate representatives from their respective agencies to represent them at Task Force meetings.

(d) Whenever the work of the Task Force involves a matter committed by law or Presidential directive to the consideration of the National Security Council, or by Executive Order 13228 of October 8, 2001, to the consideration of the Homeland Security Council, that work shall be undertaken, and any communication by the Secretary of State to the President shall be undertaken, in a manner consistent with such law, Presidential directive, or Executive Order.

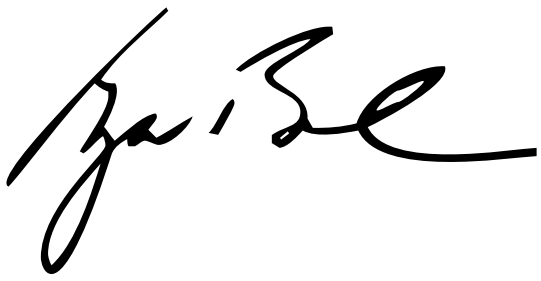
(e) The Task Force shall have no directive authority or other substantial independent authority.

(f) As necessary and appropriate, the Task Force shall report to the President, through the Secretary of State, the following:

(i) progress on the implementation of the Act; and

(ii) recommendations for United States policy to monitor and eliminate trafficking in persons and to protect the victims of trafficking in persons.

Sec. 4. *Judicial Review.* This order does not create any rights or benefits, enforceable at law or equity, against the United States, its departments, its agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,
February 13, 2002.

[FR Doc. 02–4071
Filed 2–15–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13258
Amending Executive Order 12866 on Regulatory Planning and Review

Signed: February 26, 2002
Federal Register page and date: 67 FR 9385, February 28, 2002
Amends: EO 12866, September 30, 1993

Federal Register

Thursday,
February 28, 2002

Part IV

The President

Executive Order 13258—Amending Executive Order 12866 on Regulatory Planning and Review

Notice of February 26, 2002—Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

Federal Register
Vol. 67, No. 40
Thursday, February 28, 2002

Presidential Documents

Title 3—

The President

Executive Order 13258 of February 26, 2002

Amending Executive Order 12866 on Regulatory Planning and Review

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that Executive Order 12866, of September 30, 1993, is amended as follows:

Section 1. Section (2)(b) is amended by striking ‘‘, the Vice President, and other regulatory policy advisors’’ and inserting in lieu thereof ‘‘and regulatory policy advisors’’.

Sec. 2. Section (2)(c) is amended by:

(a) striking in the heading the words ‘‘The Vice President’’ and inserting in lieu thereof ‘‘Assistance’’;

(b) striking the sentence that begins ‘‘The Vice President is’’;

(c) striking ‘‘In fulfilling their responsibilities’’ and inserting in lieu thereof ‘‘In fulfilling his responsibilities’’; and

(d) striking ‘‘and the Vice President’’ both times it appears.

Sec. 3. Section 3(a) is amended by:

(a) striking ‘‘and Vice President’’;

(b) striking ‘‘the Assistant to the President for Science and Technology’’ and inserting in lieu thereof ‘‘the Director of the Office of Science and Technology Policy’’;

(c) striking ‘‘the Assistant to the President for Intergovernmental Affairs’’ and inserting in lieu thereof ‘‘the Deputy Assistant to the President and Director for Intergovernmental Affairs’’;

(d) striking ‘‘the Deputy Assistant to the President and Director of the White House Office of Environmental Policy’’ and inserting in lieu thereof ‘‘the Chairman of the Council on Environmental Quality and Director of the Office of Environmental Quality’’; and

(e) striking ‘‘and (12)’’ and inserting in lieu thereof ‘‘(12) the Assistant to the President for Homeland Security; and (13)’’.

Sec. 4. Section 4(a) is amended by striking ‘‘the Vice President shall convene’’ and inserting in lieu thereof ‘‘the Director shall convene’’.

Sec. 5. Section 4(c)(3) is amended by striking ‘‘, the Advisors, and the Vice President’’ and inserting in lieu thereof ‘‘and the Advisors’’.

Sec. 6. Section 4(c)(4) is amended by striking ‘‘, the Advisors, and the Vice President’’ and inserting in lieu thereof ‘‘and the Advisors’’.

Sec. 7. Section 4(c)(5) is amended by striking ‘‘, the Advisors, and the Vice President’’ and inserting in lieu thereof ‘‘and the Advisors’’.

Sec. 8. Section 4(c)(6) is amended by striking ‘‘Vice President, with the Advisors’ assistance,’’ and inserting in lieu thereof ‘‘Director’’.

Sec. 9. Section 4(d) is amended by:

(a) striking ‘‘, the Advisors, and the Vice President’’ and inserting in lieu thereof ‘‘and the Advisors’’; and

(b) striking ‘‘periodically advise the Vice President’’ and inserting in lieu thereof ‘‘periodically advise the Director’’.

Sec. 10. Section 5(c) is amended by striking ''Vice President'' and inserting in lieu thereof ''Director''.

Sec. 11. Section 6(b)(4)(C)(i) is amended by striking ''Vice Presidential and''.

Sec. 12. Section 7 is amended by:

(a) striking ''resolved by the President, or by the Vice President acting at the request of the President'' and inserting in lieu thereof ''resolved by the President, with the assistance of the Chief of Staff to the President (''Chief of Staff'')'';

(b) striking ''Vice Presidential and Presidential consideration'' and inserting in lieu thereof ''Presidential consideration'';

(c) striking ''recommendations developed by the Vice President'' and inserting in lieu thereof ''recommendations developed by the Chief of Staff'';

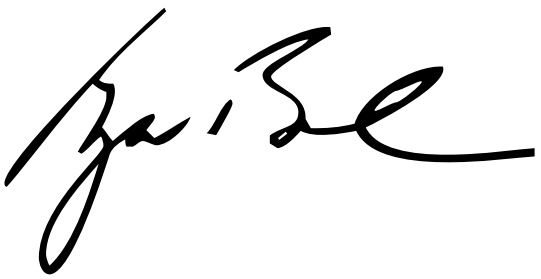
(d) striking ''Vice Presidential and Presidential review period'' and inserting in lieu thereof ''Presidential review period'';

(e) striking ''or to the staff of the Vice President'' and inserting in lieu thereof ''or to the staff of the Chief of Staff'';

(f) striking ''the President, or the Vice President acting at the request of the President, shall notify'' and insert in lieu thereof ''the President, or the Chief of Staff acting at the request of the President, shall notify''.

Sec. 13. Section 7 is also amended in the first paragraph by inserting the designation ''(a)'' after the words ''Resolution of Conflicts.'', and by designating the following three paragraphs as ''(b)'', ''(c)'', and ''(d)'' in order.

Sec. 14. Section 8 is amended by striking ''Vice President'' both times it appears and inserting in lieu thereof ''Director''.



THE WHITE HOUSE,
February 26, 2002.

[FR Doc. 02–5069
Filed 2–27–02; 12:11 pm]
Billing code 3195–01–P

Executive Order 13259

Designation of Public International Organizations for Purposes of the Securities and Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977

Signed: March 19, 2002

Federal Register page and date: 67 FR 13239, March 21, 2002

Federal Register

Thursday,
March 21, 2002

Part III

The President

Executive Order 13259—Designation of Public International Organizations for Purposes of the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977

Executive Order 13260—Establishing the President's Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security

Executive Order 13261—Providing an Order of Succession in the Environmental Protection Agency and Amending Certain Orders on Succession

Federal Register
Vol. 67, No. 55
Thursday, March 21, 2002

Presidential Documents

Title 3—

The President

Executive Order 13259 of March 19, 2002

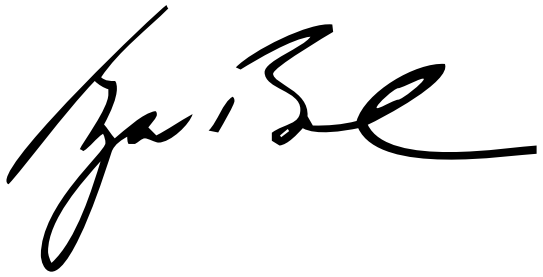
Designation of Public International Organizations for Purposes of the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 30A(f)(1)(B)(ii) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1(f)(1)(B)(ii)) and sections 104(h)(2)(B)(ii) and 104A(f)(2)(B)(ii) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)(2)(B)(ii), 78dd–3(f)(2)(B)(ii)), I hereby designate as ''public international organizations'' for the purposes of application of section 30A of the Securities Exchange Act of 1934 and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977:

(a) The European Union, including: the European Communities (the European Community, the European Coal & Steel Community, and the European Atomic Energy Community); institutions of the European Union, such as the European Commission, the Council of the European Union, the European Parliament, the European Court of Justice, the European Court of Auditors, the Economic and Social Committee, the Committee of the Regions, the European Central Bank, and the European Investment Bank; and any departments, agencies, and instrumentalities thereof; and

(b) The European Police Office (Europol), including any departments, agencies, and instrumentalities thereof.

Designation in this Executive Order is intended solely to further the purposes of the statutes mentioned above and is not determinative of whether an entity is a public international organization for the purpose of other statutes or regulations.



THE WHITE HOUSE,
March 19, 2002.

[FR Doc. 02–07085
Filed 03–20–02; 12:10 pm]
Billing code 3195–01–P

Executive Order 13260

Establishing the President's Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security

Signed: March 19, 2002

Federal Register page and date: 67 FR 13241, March 21, 2002

Amends: EO 13286, February 28, 2003

Revoked by: EO 13286, February 28, 2003 eff. March 31, 2003

Presidential Documents

Executive Order 13260 of March 19, 2002

Establishing the President's Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *President's Homeland Security Advisory Council.*

(a) *Establishment and Membership.* I hereby establish the President's Homeland Security Advisory Council (PHSAC). The PHSAC shall be composed of not more than 21 members appointed by the President. In addition, the Chair and the Vice Chair of the National Infrastructure Advisory Council; the Chairman of the President's National Security Telecommunications Advisory Committee; and the Chair of the Panel on the Science and Technology of Combating Terrorism, President's Council of Advisors on Science and Technology, shall serve as ex officio members of the PHSAC. The appointed members of the PHSAC shall be selected from the private sector, academia, professional service associations, federally funded research and development centers, nongovernmental organizations, State and local governments, and other appropriate professions and communities.

(b) *Chair and Vice Chair.* The President shall designate a Chair and Vice Chair from among the appointed members of the PHSAC.

(c) *Senior Advisory Committees.* (i) *Establishment and Membership.* The following four Senior Advisory Committees for Homeland Security (SACs) are hereby established to advise the PHSAC: (1) State and Local Officials; (2) Academia and Policy Research; (3) Private Sector; and (4) Emergency Services, Law Enforcement, and Public Health and Hospitals. Each SAC shall generally be composed of not more than 17 members selected by the Assistant to the President for Homeland Security (Assistant). The President may establish additional SACs as appropriate, consistent with this order.

(ii) *Chairs and Vice Chairs.* The Assistant shall from time to time designate a Chair and Vice Chair for each of the SACs from among the PHSAC's members.

(iii) *Subcommittees.* The Chair of each SAC, in consultation with the PHSAC, may as appropriate establish subcommittees to advise the SAC.

Sec. 2. *Functions.* The PHSAC shall meet periodically at the Assistant's request to:

(a) provide advice to the President through the Assistant on developing and coordinating the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks;

(b) recommend to the President through the Assistant ways to improve coordination, cooperation, and communication among Federal, State, and local officials and private and other entities, and provide a means to collect scholarly research, technological advice, and information concerning processes and organizational management practices both inside and outside of the Federal Government;

(c) provide advice to the President through the Assistant regarding the feasibility of implementing specific measures to detect, prepare for, prevent, protect against, respond to, and recover from terrorist threats or attacks within the United States;

(d) examine, and advise the President through the Assistant on, the effectiveness of the implementation of specific strategies to detect, prepare for, prevent, protect against, respond to, and recover from terrorist threats or attacks within the United States; and

(e) report periodically, as appropriate, to the President through the Assistant on matters within the scope of the PHSAC's functions as described in paragraphs (a) through (d) of this section.

Sec. 3. *Administration.* (a) Upon the request of the Chair of the PHSAC, through the Assistant, and to the extent permitted by law, the heads of executive departments and agencies shall provide the PHSAC with such information relating to homeland security matters as the PHSAC may need for the purpose of carrying out its functions.

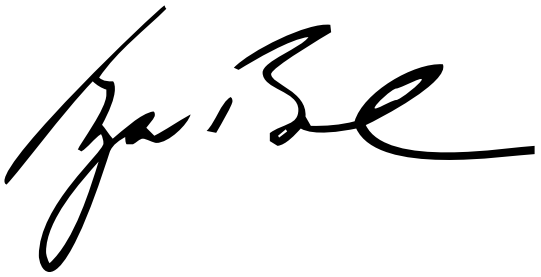
(b) The PHSAC shall have an Executive Director selected by the Assistant.

(c) Members shall serve without compensation for their work on the PHSAC, the SACs, and any subcommittees thereof. However, members shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Federal Government service (5 U.S.C. 5701–5707).

(d) To the extent permitted by law, and subject to the availability of appropriations, the Office of Administration shall provide the PHSAC with administrative support and with such funds as may be necessary for the performance of the PHSAC's functions.

Sec. 4. *General Provisions.* (a) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (Act), may apply to the administration of any portion of this order, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Administrator of General Services in accordance with the guidelines that have been issued by the Administrator.

(b) The PHSAC, any SACs, and any SAC subcommittees shall terminate 2 years from the date of this order unless extended by the President.



THE WHITE HOUSE,
March 19, 2002.

[FR Doc. 02–07086
Filed 03–20–02; 12:11 pm]
Billing code 3195–01–P

Executive Order 13261

Providing an Order of Succession in the Environmental Protection Agency and Amending Certain Orders on Succession

Signed: March 19, 2002

Federal Register page and date: 67 FR 13243, March 19, 2002

Amends: EO 13241, December 18, 2001; EO 13242, December 18, 2001; EO 13243, December 18, 2001; EO 13244, December 18, 2001; EO 13245, December 18, 2001; EO 13246, December 18, 2001; EO 13247, December 18, 2001; EO 13250, December 28, 2001; EO 13251, December 28, 2001

Amended by: EO 13344, July 9, 2004

Presidential Documents

Executive Order 13261 of March 19, 2002

Providing An Order of Succession in the Environmental Protection Agency and Amending Certain Orders on Succession

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345, *et seq.*, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of the Administrator of the Environmental Protection Agency (Administrator) during any period when both the Administrator and the Deputy Administrator of the Environmental Protection Agency have died, resigned, or become otherwise unable to perform the functions and duties of the office of Administrator.

Sec. 2. *Order of Succession.*

(a) Assistant Administrator for Toxic Substances;

(b) Assistant Administrator (Air and Radiation);

(c) Assistant Administrator, Office of Solid Waste;

(d) Assistant Administrator (Water Programs);

(e) Assistant Administrator (General Counsel);

(f) Assistant Administrator (Enforcement and Compliance Assurance);

(g) Chief Financial Officer;

(h) Assistant Administrator (Research and Development);

(i) Assistant Administrator (International Activities);

(j) Assistant Administrator (Administration and Resources Management); and

(k) Assistant Administrator (Environmental Information).

Sec. 3. *Exceptions.*

(a) No individual who is serving in an office listed in section 2(a)–(k) in an acting capacity, by virtue of so serving, shall act as Administrator pursuant to this order.

(b) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, to depart from this order in designating an acting Administrator.

Sec. 4. *Amendments to Certain Executive Orders providing Orders of Succession.* Executive Orders 13241, 13242, 13243, 13244, 13245, 13246, and 13247 of December 18, 2001, and Executive Orders 13250 and 13251 of December 28, 2001, are hereby amended as follows:

(a) Section 3(a) of Executive Order 13241 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Agriculture,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(j) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(b) Section 3(a) of Executive Order 13242 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Commerce,'' is replaced with the following: ''(a) No individual who is serving in an

office listed in section 2(a)–(h) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(c) Section 3(a) of Executive Order 13243 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Housing and Urban Development,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(i) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(d) Section 3(a) of Executive Order 13244 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of the Interior,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(f) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

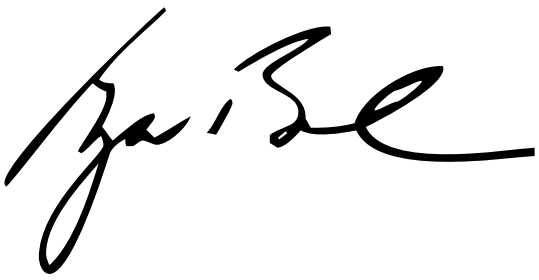
(e) Section 3(a) of Executive Order 13245 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Labor,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(l) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(f) Section 3(a) of Executive Order 13246 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of the Treasury,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(c) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(g) Section 3(a) of Executive Order 13247 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Veterans Affairs,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(h) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(h) Section 3(a) of Executive Order 13250 of December 28, 2001, entitled ''Providing an Order of Succession Within the Department of Health and Human Services,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(c) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'' and;

(i) Section 3(b) of Executive Order 13251 of December 28, 2001, entitled ''Providing an Order of Succession Within the Department of State,'' is replaced with the following: ''(b) No individual who is serving in an office listed in section 2(a)–(m) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.''.



THE WHITE HOUSE,

March 19, 2002.

[FR Doc. 02–7087

Filed 3–20–02; 12:12 pm]

Billing code 3195–01–P

Executive Order 13262
2002 Amendments to the Manual for Courts-Martial, United States

Signed: April 11, 2002
Federal Register page and date: 67 FR 18773, April 17, 2002
See: EO 12473, April 13, 1984

Federal Register
Vol. 67, No. 74
Wednesday, April 17, 2002

Presidential Documents

Title 3—

The President

Executive Order 13262 of April 11, 2002

2002 Amendments to the Manual for Courts-Martial, United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, including chapter 47 of title 10, United States Code (Uniform Code of Military Justice, 10 U.S.C. 801–946), and in order to prescribe amendments to the Manual for Courts-Martial, United States, prescribed by Executive Order 12473, as amended, it is hereby ordered as follows:

Section 1. Thirty days after the date of this Executive Order, the provisions of Federal Rule of Evidence 415, adopted September 13, 1994, will no longer be applicable to the Military Rules of Evidence. This evidentiary rule became applicable to courts-martial on January 6, 1996, pursuant to Military Rule of Evidence 1102.

Sec. 2. The last subparagraph of paragraph 4, of Part I, of the Manual for Courts-Martial, United States, is amended as follows:

''The Manual shall be identified as ''Manual for Courts-Martial, United States (2002 edition).'' Any amendments to the Manual made by Executive Order shall be identified as ''2002'' Amendments to the Manual for Courts-Martial, United States'' ; ''2002'' being the year the Executive Order was signed. If two or more Executive Orders amending the Manual are signed during the same year, then the second and any subsequent Executive Orders will be identified by placing a small case letter of the alphabet after the last digit of the year beginning with ''a'' for the second Executive Order and continuing in alphabetic order for subsequent Executive Orders.''.

Sec. 3. Part II of the Manual for Courts-Martial, United States, is amended as follows:

a. R.C.M. 201(f)(2)(B) is amended to read as follows:

''(i) Upon a finding of guilty, special courts-martial may adjudge, under limitations prescribed by this Manual, any punishment authorized under R.C.M. 1003 except death, dishonorable discharge, dismissal, confinement for more than 1 year, hard labor without confinement for more than 3 months, forfeiture of pay exceeding two-thirds pay per month, or any forfeiture of pay for more than 1 year.

''(ii) A bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, may not be adjudged by a special court-martial unless:

''(a) Counsel qualified under Article 27(b) is detailed to represent the accused; and

''(b) A military judge is detailed to the trial, except in a case in which a military judge could not be detailed because of physical conditions or military exigencies. Physical conditions or military exigencies, as the terms are here used, may exist under rare circumstances, such as on an isolated ship on the high seas or in a unit in an inaccessible area, provided compelling reasons exist why the trial must be held at that time and at that place. Mere inconvenience does not constitute a physical condition or military exigency and does not excuse a failure to detail a military judge. If a military judge cannot be detailed because of physical conditions or military exigencies, a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than

six months, may be adjudged provided the other conditions have been met. In that event, however, the convening authority shall, prior to trial, make a written statement explaining why a military judge could not be obtained. This statement shall be appended to the record of trial and shall set forth in detail the reasons why a military judge could not be detailed, and why the trial had to be held at that time and place.''

b. R.C.M. 701(b)(4) is amended to read as follows:

''(4) Reports of examination and tests. If the defense requests disclosure under subsection (a)(2)(B) of this rule, upon compliance with such request by the Government, the defense, on request of trial counsel, shall (except as provided in R.C.M. 706, Mil. R. Evid. 302, and Mil. R. Evid. 513) permit the trial counsel to inspect any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, that are within the possession, custody, or control of the defense that the defense intends to introduce as evidence in the defense case-in-chief at trial or that were prepared by a witness whom the defense intends to call at trial when the results or reports relate to that witness' testimony.''

c. R.C.M. 806 is amended by adding at the end the following new subsection (d):

''(d) Protective orders. The military judge may, upon request of any party or sua sponte, issue an appropriate protective order, in writing, to prevent parties and witnesses from making extrajudicial statements that present a substantial likelihood of material prejudice to a fair trial by impartial members. For purposes of this subsection, ''military judge'' does not include the president of a special court-martial without a military judge.''.

d. R.C.M. 1001(b)(3)(A) is amended to read as follows:

''(A) In general. The trial counsel may introduce evidence of military or civilian convictions of the accused. For purposes of this rule, there is a ''conviction'' in a court-martial case when a sentence has been adjudged. In a civilian case, a ''conviction'' includes any disposition following an initial judicial determination or assumption of guilt, such as when guilt has been established by guilty plea, trial, or plea of *nolo contendere*, regardless of the subsequent disposition, sentencing procedure, or final judgment. However, a ''civilian conviction'' does not include a diversion from the judicial process without a finding or admission of guilt; expunged convictions; juvenile adjudications; minor traffic violations; foreign convictions; tribal court convictions; or convictions reversed, vacated, invalidated or pardoned because of errors of law or because of subsequently discovered evidence exonerating the accused.''.

e. R.C.M. 1003(b)(3) is amended to read as follows:

''(3) Fine. Any court-martial may adjudge a fine in lieu of or in addition to forfeitures. Special and summary courts-martial may not adjudge any fine or combination of fine and forfeitures in excess of the total amount of forfeitures that may be adjudged in that case. In order to enforce collection, a fine may be accompanied by a provision in the sentence that, in the event the fine is not paid, the person fined shall, in addition to any period of confinement adjudged, be further confined until a fixed period considered an equivalent punishment to the fine has expired. The total period of confinement so adjudged shall not exceed the jurisdictional limitations of the court- martial;''

f. R.C.M. 1003(b)(7) is amended to read as follows:

''(7) Confinement. The place of confinement shall not be designated by the court-martial. When confinement for life is authorized, it may be with or without eligibility for parole. A court-martial shall not adjudge a sentence to solitary confinement or to confinement without hard labor;''.

g. R.C.M. 1004(e) is amended to read as follows:

''(e) Other penalties. Except for a violation of Article 106, when death is an authorized punishment for an offense, all other punishments authorized under R.C.M. 1003 are also authorized for that offense, including

confinement for life, with or without eligibility for parole, and may be adjudged in lieu of the death penalty, subject to limitations specifically prescribed in this Manual. A sentence of death includes a dishonorable discharge or dismissal as appropriate. Confinement is a necessary incident of a sentence of death, but not a part of it.''

h. R.C.M. 1006(d)(4)(B) is amended to read as follows:

''(B) Confinement for life, with or without eligibility for parole, or more than 10 years. A sentence that includes confinement for life, with or without eligibility for parole, or more than 10 years may be adjudged only if at least three-fourths of the members present vote for that sentence.''

i. R.C.M. 1009(e)(3)(B)(ii) is amended to read as follows:

''(ii) In the case of a sentence which includes confinement for life, with or without eligibility for parole, or more than 10 years, more than one-fourth of the members vote to reconsider; or''.

j. R.C.M. 1103(b)(2)(B)(i) is amended to read as follows:

''(i) Any part of the sentence adjudged exceeds six months confinement, forfeiture of pay greater than two-thirds pay per month, or any forfeiture of pay for more than six months or other punishments that may be adjudged by a special court-martial; or''.

k. R.C.M. 1103(c) is amended to read as follows:

''(c) Special courts-martial.

''(1) Involving a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months. The requirements of subsections (b)(1), (b)(2)(A), (b)(2)(B), (b)(2)(D), and (b)(3) of this rule shall apply in a special court-martial in which a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, has been adjudged.

''(2) All other special courts-martial. If the special court-martial resulted in findings of guilty but a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, was not adjudged, the requirements of subsections (b)(1), (b)(2)(D), and (b)(3)(A)–(F) and (I)–(M) of this rule shall apply.''.

l. R.C.M. 1103(f)(1) is amended to read as follows:

''(1) Approve only so much of the sentence that could be adjudged by a special court-martial, except that a bad-conduct discharge, confinement for more than six months, or forfeiture of two-thirds pay per month for more than six months, may not be approved; or''.

m. R.C.M. 1104(a)(2)(A) is amended to read as follows:

''(A) Authentication by the military judge. In special courts-martial in which a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, has been adjudged and in general courts-martial, except as provided in subsection (a)(2)(B) of this rule, the military judge present at the end of the proceedings shall authenticate the record of trial, or that portion over which the military judge presided. If more than one military judge presided over the proceedings, each military judge shall authenticate the record of the proceedings over which that military judge presided, except as provided in subsection (a)(2)(B) of this rule. The record of trial of special courts-martial in which a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, was not adjudged shall be authenticated in accordance with regulations of the Secretary concerned.''

n. R.C.M. 1104(e) is amended to read as follows:

''(e) Forwarding. After every court-martial, including a rehearing and new and other trials, the authenticated record shall be forwarded to the convening authority for initial review and action, provided that in case of a special court-martial in which a bad-conduct discharge or confinement for one year was adjudged or a general court-martial, the convening authority shall refer the record to the staff judge advocate or legal officer for

recommendation under R.C.M. 1106 before the convening authority takes action.''.

o. R.C.M. 1106(a) is amended to read as follows:

''(a) In general. Before the convening authority takes action under R.C.M. 1107 on a record of trial by general court-martial or a record of trial by special court-martial that includes a sentence to a bad-conduct discharge or confinement for one year, that convening authority's staff judge advocate or legal officer shall, except as provided in subsection (c) of this rule, forward to the convening authority a recommendation under this rule.''.

p. R.C.M. 1107(d)(4) is amended to read as follows:

''(4) Limitations on sentence based on record of trial. If the record of trial does not meet the requirements of R.C.M. 1103(b)(2)(B) or (c)(1), the convening authority may not approve a sentence in excess of that which may be adjudged by a special court-martial, or one that includes a bad-conduct discharge, confinement for more than six months, forfeiture of pay exceeding two-thirds pay per month, or any forfeiture of pay for more than six months.''.

q. R.C.M. 1107(d) is amended by adding at the end the following new paragraph:

''(5) Limitations on sentence of a special court-martial where a fine has been adjudged. A convening authority may not approve in its entirety a sentence adjudged at a special court-martial when, if approved, the cumulative impact of the fine and forfeitures, whether adjudged or by operation of Article 58b, would exceed the jurisdictional maximum dollar amount of forfeitures that may be adjudged at that court-martial.''.

r. R.C.M. 1109(e) and (e)(1) are amended to read as follows:

''(e) Vacation of a suspended special court-martial sentence wherein a bad-conduct discharge or confinement for one year was not adjudged.

''(1) In general. Before vacating the suspension of a special court-martial punishment that does not include a bad-conduct discharge or confinement for one year, the special court-martial convening authority for the command in which the probationer is serving or assigned shall cause a hearing to be held on the alleged violation(s) of the conditions of suspension.''.

s. R.C.M. 1109(f) and (f)(1) are amended to read as follows:

''(f) Vacation of a suspended special court-martial sentence that includes a bad-conduct discharge or confinement for one year.

''(1) The procedure for the vacation of a suspended approved bad-conduct discharge or of any suspended portion of an approved sentence to confinement for one year, shall follow that set forth in subsection (d) of this rule.''.

t. R.C.M. 1110(a) is amended to read as follows:

''(a) In general. After any general court-martial, except one in which the approved sentence includes death, and after any special court-martial in which the approved sentence includes a bad-conduct discharge or confinement for one year, the accused may waive or withdraw appellate review.''.

u. R.C.M. 1111(b) is amended to read as follows:

''(1) Cases including an approved bad-conduct discharge or confinement for one year. If the approved sentence of a special court-martial includes a bad-conduct discharge or confinement for one year, the record shall be disposed of as provided in subsection (a) of this rule.

''(2) Other cases. The record of trial by a special court-martial in which the approved sentence does not include a bad-conduct discharge or confinement for one year shall be forwarded directly to a judge advocate for review under R.C.M. 1112. Four copies of the order promulgating the result of trial shall be forwarded with the record of trial, unless otherwise prescribed by regulations of the Secretary concerned.''.

v. R.C.M. 1112(a)(2) is amended to read as follows:

''(2) Each special court-martial in which the accused has waived or withdrawn appellate review under R.C.M. 1110 or in which the approved sentence does not include a bad-conduct discharge or confinement for one year; and''.

w. R.C.M 1305(d)(2) is amended to read as follows:

''(2) Forwarding to the convening authority. The original and one copy of the record of trial shall be forwarded to the convening authority after compliance with subsection (d)(1) of this rule.''.

Sec. 4. Part III of the Manual for Courts-Martial, United States, is amended in Mil. R. Evid. 615 by striking the period at the end of the rule and adding '', or (4) a person authorized by statute to be present at courts-martial, or (5) any victim of an offense from the trial of an accused for that offense because such victim may testify or present any information in relation to the sentence or that offense during the presentencing proceedings.''.

Sec. 5. Part IV of the Manual for Courts-Martial, United States, is amended as follows:

a. All ''Sample specification(s)'' subparagraphs in the Punitive Articles (Part IV, M.C.M.) are amended by striking ''_____ 19____'' and inserting ''_____ 20____.''.

b. Paragraph 27e(1)(a) is amended to read as follows:

''(a) of a value of $500.00 or less. Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months.''.

c. Paragraph 27e(1)(b) is amended to read as follows:

''(b) of a value of more than $500.00 or any firearm or explosive. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 5 years.''.

d. Paragraph 27f(3) is amended to read as follows:

''(3) Dealing in captured or abandoned property. In that _____ (personal jurisdiction data), did, (at/on board - location), on or about _____ 20 _____, (buy) (sell) (trade) (deal in) (dispose of) (_____) certain (captured) (abandoned) property, to wit: _____, (a firearm) (an explosive), of a value of (about) $_____, thereby (receiving) (expecting) a (profit) (benefit) (advantage) to (himself/herself) (_____, his/her accomplice) (_____, his/her brother) (_____).''.

e. Strike paragraph 31c(6).

f. Paragraph 43e(1), is amended to read as follows:

''(1) Article 118(1) or (4)—death. Mandatory minimum—imprisonment for life with eligibility for parole.''.

g. Paragraph 45e(3) is amended to read as follows:

''(3) Carnal knowledge with a child under the age of 12 years at the time of the offense. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole.''.

h. Paragraph 46c(1)(h) is amended by adding at the end the following new clause:

''(vi) Credit, Debit, and Electronic Transactions. Wrongfully engaging in a credit, debit, or electronic transaction to obtain goods or money is an obtaining- type larceny by false pretense. Such use to obtain goods is usually a larceny of those goods from the merchant offering them. Such use to obtain money or a negotiable instrument (e.g., withdrawing cash from an automated teller or a cash advance from a bank) is usually a larceny of money from the entity presenting the money or a negotiable instrument. For the purpose of this section, the term 'credit, debit, or electronic transaction' includes the use of an instrument or device, whether known as a credit card, debit card, automated teller machine (ATM) card or by any other name, including access devices such as code, account

number, electronic serial number or personal identification number, issued for the use in obtaining money, goods, or anything else of value.''.

i. Paragraph 51e(1) is amended to read as follows:

''(1) By force and without consent. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole.''.

j. Paragraph 51e(3) is amended to read as follows:

''(3) With a child under the age of 12 years at the time of the offense. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole.''

k. Paragraph 62c is amended to read as follows:

''c. Explanation.

''(1) Nature of offense. Adultery is clearly unacceptable conduct, and it reflects adversely on the service record of the military member.

''(2) Conduct prejudicial to good order and discipline or of a nature to bring discredit upon the armed forces. To constitute an offense under the UCMJ, the adulterous conduct must either be directly prejudicial to good order and discipline or service discrediting. Adulterous conduct that is directly prejudicial includes conduct that has an obvious, and measurably divisive effect on unit or organization discipline, morale, or cohesion, or is clearly detrimental to the authority or stature of or respect toward a servicemember. Adultery may also be service discrediting, even though the conduct is only indirectly or remotely prejudicial to good order and discipline. Discredit means to injure the reputation of the armed forces and includes adulterous conduct that has a tendency, because of its open or notorious nature, to bring the service into disrepute, make it subject to public ridicule, or lower it in public esteem. While adulterous conduct that is private and discreet in nature may not be service discrediting by this standard, under the circumstances, it may be determined to be conduct prejudicial to good order and discipline. Commanders should consider all relevant circumstances, including but not limited to the following factors, when determining whether adulterous acts are prejudicial to good order and discipline or are of a nature to bring discredit upon the armed forces:

''(a) The accused's marital status, military rank, grade, or position;

''(b) The co-actor's marital status, military rank, grade, and position, or relationship to the armed forces;

''(c) The military status of the accused's spouse or the spouse of co-actor, or their relationship to the armed forces;

''(d) The impact, if any, of the adulterous relationship on the ability of the accused, the co-actor, or the spouse of either to perform their duties in support of the armed forces;

''(e) The misuse, if any, of government time and resources to facilitate the commission of the conduct;

''(f) Whether the conduct persisted despite counseling or orders to desist; the flagrancy of the conduct, such as whether any notoriety ensued; and whether the adulterous act was accompanied by other violations of the UCMJ;

''(g) The negative impact of the conduct on the units or organizations of the accused, the co-actor or the spouse of either of them, such as a detrimental effect on unit or organization morale, teamwork, and efficiency;

''(h) Whether the accused or co-actor was legally separated; and

''(i) Whether the adulterous misconduct involves an ongoing or recent relationship or is remote in time.

''(3) Marriage. A marriage exists until it is dissolved in accordance with the laws of a competent state or foreign jurisdiction.

''(4) Mistake of fact. A defense of mistake of fact exists if the accused had an honest and reasonable belief either that the accused and the co-actor were both unmarried, or that they were lawfully married to each other. If this defense is raised by the evidence, then the burden of proof is upon the United States to establish that the accused's belief was unreasonable or not honest.''.

l. Paragraph 92e is amended to read as follows:

''e. Maximum punishment. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole.''.

m. Paragraphs 32e, 33e, 46c(1)(g)(iii), 46e, 49e, 52e, 58e, 78e and 106e are amended by striking ''$100.00'' each place it appears and inserting ''$500.00''.

Sec. 6. These amendments shall take effect on May 15, 2002.

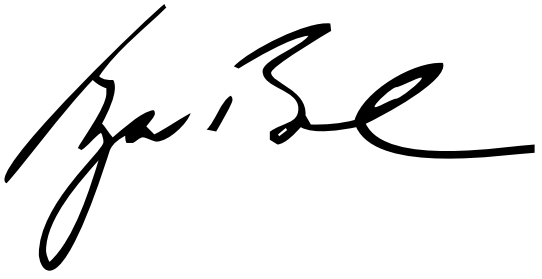
a. The amendments made to Rules for Courts-Martial 806(d) and 1001(b)(3)(A) shall only apply in cases in which arraignment has been completed on or after May 15, 2002.

b. The amendments made to Rules for Courts- Martial 1003(b)(7), 1004(e), 1006(d)(4)(B), and 1009(e)(3)(B)(ii) shall only apply to offenses committed after November 18, 1997. In cases not involving these amendments, the maximum punishment for an offense committed prior to May 15, 2002, shall not exceed the applicable maximum in effect at the time of the commission of such offense. Provided further, that for offenses committed prior to May 15, 2002, for which a sentence is adjudged on or after May 15, 2002, if the maximum punishment authorized in this Manual is less than that previously authorized, the lesser maximum authorized punishment shall apply.

c. The amendment made to Military Rules of Evidence 615 shall apply only in cases in which arraignment has been completed on or after May 15, 2002.

d. Nothing in these amendments shall be construed to make punishable any act done or omitted prior to May 15, 2002, that was not punishable when done or omitted.

e. Nothing in these amendments shall be construed to invalidate any nonjudicial punishment proceeding, restraint, investigation, referral of charges, trial in which arraignment occurred, or other action begun prior to May 15, 2002, and any such nonjudicial punishment, restraint, investigation, referral of charges, trial, or other action may proceed in the same manner and with the same effect as if these amendments had not been prescribed.



THE WHITE HOUSE,

April 11, 2002.

Billing code 3195–01–P

CHANGES TO THE DISCUSSION ACCOMPANYING THE MANUAL FOR COURTS-MARTIAL, UNITED STATES

a. The Discussion following the Preamble is amended by adding the following at the end of the Discussion:

''The amendment to paragraph 4 of the Preamble is intended to address the possibility of more frequent amendments to the Manual and the arrival of the 21st century. In the event that multiple editions of the Manual are published in the same year, the numbering and lettering of the edition should match that of the most recent Executive Order included in the publication.''

b. The seventh paragraph of the Discussion following R.C.M. 601(e)(1) is amended to read as follows:

''The convening authority should acknowledge by an instruction that a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, may not be adjudged when the prerequisites under Article 19 will not be met. *See* R.C.M. 201(f)(2)(B)(ii). For example, this instruction should be given when a court reporter is not detailed.''.

c. The Discussion following R.C.M. 701(a)(2)(B) is amended to read as follows:

''For specific rules concerning certain mental examinations of the accused or third party patients, *see* R.C.M. 701(f), R.C.M. 706, Mil. R. Evid. 302, and Mil. R. Evid. 513.''

d. The ninth paragraph of the Discussion following R.C.M. 806(b) is amended to read as follows:

''There are other methods of protecting the proceedings from harmful effects of publicity, including a thorough *voir dire* (*see* R.C.M. 912), and, if necessary, a continuance to allow the harmful effects of publicity to dissipate. *See* R.C.M. 906(b)(1). Other methods that may occasionally be appropriate and which are usually preferable to closing a session include: directing members not to read, listen to, or watch any accounts concerning the case; issuing a protective order under R.C.M. 806(d); and selecting members from recent arrivals in the command, or from outside the immediate area. *See* R.C.M. 503(a)(3). In more extreme cases, the place of trial may be changed (*see* R.C.M. 906(b)(11), or members may be sequestered.

e. The following Discussion is added after R.C.M. 806(d):

''A protective order may proscribe extrajudicial statements by counsel, parties, and witnesses that might divulge prejudicial matter not of public record in the case. Other appropriate matters may also be addressed by such a protective order. Before issuing a protective order, the military judge must consider whether other available remedies would effectively mitigate the adverse effects that any publicity might create, and consider such an order's likely effectiveness in ensuring an impartial court-martial panel. A military judge should not issue a protective order without first providing notice to the parties and an opportunity to be heard. The military judge must state on the record the reasons for issuing the protective order. If the reasons for issuing the order change, the military judge may reconsider the continued necessity for a protective order.''

f. The first paragraph of the Discussion following R.C.M. 808 is amended to read as follows:

''Except in a special court-martial not authorized to adjudge a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, the trial counsel should ensure that a qualified court reporter is detailed to the court-martial. Trial counsel should also ensure that all exhibits and other documents relating to the case are properly maintained for later inclusion in the record. *See also* R.C.M. 1103(j) as to the use of videotapes, audiotapes, and similar recordings for the record of trial. Because of the potential requirement for a verbatim transcript, all proceedings, including sidebar conferences, arguments, and rulings and instructions by the military judge, should be recorded.''

g. The Discussion following R.C.M. 1001(b)(3)(A) is amended by adding the following at the end of the Discussion:

''Whether a civilian conviction is admissible is left to the discretion of the military judge. As stated in the rule, a civilian ''conviction'' includes any disposition following an initial judicial determination or assumption of guilt regardless of the sentencing procedure and the final judgment following probation or other sentence. Therefore, convictions may be admissible regardless of whether a court ultimately suspended judgment upon discharge of the accused following probation, permitted withdrawal of the guilty plea, or applies some other form of alternative sentencing. Additionally, the term ''conviction'' need not be taken to mean a final judgment of conviction and sentence.''

h. The sixth paragraph of the Discussion following R.C.M. 1003(b)(2) is amended to read as follows:

''At a special court-martial, if a bad-conduct discharge and confinement are adjudged, then the operation of Article 58b results in a forfeiture of two-thirds of pay only (not allowances) during that period of confinement. If only confinement is adjudged, and that confinement exceeds six months, then the operation of Article 58b results in a forfeiture of two-thirds of pay only (not allowances) during the period of confinement. If only a bad conduct discharge is adjudged, Article 58b has no effect on pay.''.

i. The Discussion following R.C.M. 1003(b)(3) is amended by adding at the end the following paragraph:

''Where the sentence adjudged at a special court-martial includes a fine, *see* R.C.M. 1107(d)(5) for limitations on convening authority action on the sentence.''

j. The Discussion following R.C.M. 1003(b)(8) is amended by adding the following at the end of the Discussion:

''See Article 56a.''

k. The Discussion following R.C.M. 1003(c)(4) is amended by striking ''R.C.M. 1107(d)(3)'' and inserting ''R.C.M. 1107(d)(4).''

l. The Discussion following R.C.M. 1006(c) is amended to read as follows:

''A proposal should state completely each kind and, where appropriate, amount of authorized punishment proposed by that member. For example, a proposal of confinement for life would state whether it is with or without eligibility for parole. See R.C.M. 1003(b).''

m. The second paragraph of the Discussion following R.C.M. 1107(d)(1) is amended to read as follows:

''When mitigating forfeitures, the duration and amounts of forfeiture may be changed as long as the total amount forfeited is not increased and neither the amount nor duration of the forfeitures exceeds the jurisdiction of the court-martial. When mitigating confinement or hard labor without confinement, the convening authority should use the equivalencies at R.C.M. 1003(b)(6) and (7), as appropriate. One form of punishment may be changed to a less severe punishment of a different nature, as long as the changed punishment is one that the court-martial could have adjudged. For example, a bad-conduct discharge adjudged by a special court-martial could be changed to confinement for up to one year (but not vice versa). A pretrial agreement may also affect what punishments may be changed by the convening authority.''.

n. The Discussion following R.C.M. 1109(f) is amended to read as follows:

''An officer exercising special court-martial jurisdiction may vacate any suspended punishments other than an approved suspended bad-conduct discharge or any suspended portion of an approved sentence to confinement for one year, regardless of whether they are contained in the same sentence as the bad-conduct discharge or confinement for one year. See Appendix 18 for a sample of a Report of Proceedings to Vacate Suspension of a Special Court-Martial Sentence including a bad-conduct discharge or confinement for one year under Article 72, UCMJ, and R.C.M. 1109 (DD Form 455).''.

o. The Discussion following R.C.M. 1110(a) is amended to read as follows:

''Appellate review is not available for special courts-martial in which a bad-conduct discharge or confinement for one year was not adjudged or approved or for summary courts-martial. Cases not subject to appellate review, or in which appellate review is waived or withdrawn, are reviewed by a judge advocate under R.C.M. 1112. Such cases may also be submitted to the Judge Advocate General for review. *See* R.C.M. 1201(b)(3). Appellate review is mandatory when the approved sentence includes death.''.

CHANGES TO APPENDIX 8, GUIDE FOR GENERAL AND SPECIAL COURTS-MARTIAL, MANUAL FOR COURTS-MARTIAL, UNITED STATES

Appendix 8, is amended—

a. by amending the left margin entry to Note 100 to read as follows:

''Advice in GCMs and SPCMs in which BCD or confinement for one year is adjudged'';

b. by amending Note 100 to read as follows:

''[Note 100. In cases subject to review by a Court of Criminal Appeals, the following advice should be given. In other cases proceed to Note 101 or 102 as appropriate.]'';

c. by amending the left margin entry to Note 102 to read as follows:

''SPCM not involving a BCD or confinement for one year''; and

d. by amending Note 102 to read as follows:

[Note 102. In special courts-martial not involving BCD or confinement for one year, the following advice should be given.]''.

CHANGES TO THE MAXIMUM PUNISHMENT CHART OF THE MANUAL FOR COURTS-MARTIAL, UNITED STATES

Appendix 12, the Maximum Punishment Chart, is amended—

a. by striking the item relating to Article 103 and inserting:

''103 Captured, abandoned property; failure to secure, etc. Of value of $500.00 or less BCD 6 mos. Total

Of value of more than $500.00 . DD, BCD 5 yrs. Total

Any firearm or explosive DD, BCD 5 yrs. Total

Looting, pillaging DD, BCD Life4 Total''; and

b. in the items relating to Articles 108, 109, 121, 123a, 126, 132, and 134 (False Pretenses, obtaining services under; and Stolen Property, knowingly receiving, buying, concealing), by striking ''100.00'' each place it appears and inserting ''$500.00''.

CHANGES TO THE GUIDE FOR PREPARATION OF RECORD OF TRIAL WHEN A VERBATIM RECORD IS NOT REQUIRED, MANUAL FOR COURTS-MARTIAL, UNITED STATES

Appendix 13 is amended—

a. in the third subparagraph of paragraph a, by replacing ''1-inch margin'' with ''one-inch margin'' and replacing ''left hand'' with ''left-hand''.

CHANGES TO THE GUIDE FOR PREPARATION OF RECORD OF TRIAL WHEN A VERBATIM RECORD IS REQUIRED, MANUAL FOR COURTS-MARTIAL, UNITED STATES

Appendix 14, is amended—

a. at page A14–6, by amending the second bracketed format under the third note to read as follows:

''[The (court-martial) (session) was (adjourned) (recessed) at _____ hours, _____.]''.

CHANGES TO APPENDIX 17, FORMS FOR COURT-MARTIAL ORDERS, MANUAL FOR COURTS-MARTIAL, UNITED STATES

The first note to paragraph d of Appendix 17 is amended to read as follows:

''[Note. Orders promulgating the vacation of the suspension of a dismissal will be published by departmental orders of the Secretary concerned. Vacations of any other suspension of a general court-martial sentence, or of a special court-martial sentence that as approved and affirmed includes a bad-conduct discharge or confinement for one year, will be promulgated by the officer exercising general court-martial jurisdiction over the probationer (Article 72(b)). The vacation of suspension of any other sentence may be promulgated by an appropriate convening authority under Article 72(c). *See* R.C.M. 1109.]''

CHANGES TO APPENDIX 18, REPORT OF PROCEEDINGS TO VACATE SUSPENSION OF A GENERAL COURT-MARTIAL OR OF A SPECIAL COURT-MARTIAL SENTENCE INCLUDING A BAD-CONDUCT DISCHARGE UNDER ARTICLE 72, UCMJ, AND R.C.M. 1109 (DD FORM 455), MANUAL FOR COURTS-MARTIAL, UNITED STATES

The title to Appendix 18 is amended to read as follows:

''**Report of Proceedings to Vacate Suspension of a General Court-Martial or of a Special Court-Martial Sentence Including a Bad-Conduct Discharge or Confinement for One Year Under Article 72, UCMJ, and R.C.M. 1109 (DD Form 455).**''.

CHANGES TO THE ANALYSIS ACCOMPANYING THE MANUAL FOR COURTS-MARTIAL, UNITED STATES.

1. *Changes to Appendix 21, the Analysis Accompanying the Rules for Courts-Martial, United States (Part II, MCM).*

a. The Analysis to R.C.M. 201(f) is amended by inserting after the second paragraph the following new paragraph:

''*2002 Amendment*: Subsections (f)(2)(B)(i) and (f)(2)(B)(ii) were amended to remove previous limitations and thereby implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999). Subject to limitations prescribed by the President, the amendment increased the jurisdictional maximum punishment at special courts-martial to confinement for one year and forfeitures not exceeding two-thirds pay per month for one year, vice the previous six-month jurisdictional limitation.''.

b. The Analysis to R.C.M. 701(b) is amended by inserting after the discussion of the *1991 Amendment* to subsection (b)(2) the following new paragraph:

''*2002 Amendment*: Subsection (b)(4) was amended to take into consideration the protections afforded by the new psychotherapist-patient privilege under Mil. R. Evid. 513.''

c. The Analysis to R.C.M. 707(a) is amended by inserting after the second paragraph the following new paragraph:

''*2002 Amendment*: *Burton* and its progeny were re-examined in *United States v. Kossman*, 38 M.J. 258 (C.M.A. 1993), where the Court of Military Appeals specifically overruled *Burton* and reinstated the earlier rule from *United States v. Tibbs*, 15 C.M.A. 350, 353, 35 C.M.R. 322, 325 (1965). *See Kossman*, 38 M.J. at 262. In *Kossman*, the Court reinstated the ''reasonable diligence'' standard in determining whether the prosecution's progress toward trial for a confined accused was sufficient to satisfy the speedy trial requirement of Article 10, UCMJ.''

d. The Analysis accompanying R.C.M. 806 is amended by adding at the end the following new paragraphs:

''*2002 Amendment*: Section (d) was added to codify the military judge's power to issue orders limiting trial participants' extrajudicial statements in appropriate cases. *See United States v. Garwood*, 16 M.J. 863, 868 (N–M.C.M.R. 1983) (finding military judge was justified in issuing restrictive order prohibiting extrajudicial statements by trial participants), *aff'd on other grounds*, 20 M.J. 148 (C.M.A. 1985), *cert. denied*, 474 U.S. 1005 (1985);

United States v. Clark, 31 M.J. 721, 724 (A.F.C.M.R. 1990) (suggesting, but not deciding, that the military judge properly limited trial participants' extrajudicial statements).

''The public has a legitimate interest in the conduct of military justice proceedings. Informing the public about the operations of the criminal justice system is one of the ''core purposes'' of the First Amendment. In the appropriate case where the military judge is considering issuing a protective order, absent exigent circumstances, the military judge must conduct a hearing prior to issuing such an order. Prior to such a hearing the parties will have been provided notice. At the hearing, all parties will be provided an opportunity to be heard. The opportunity to be heard may be extended to representatives of the media in the appropriate case.

''Section (d) is based on the first Recommendation Relating to the Conduct of Judicial Proceedings in Criminal Cases, included in the Revised Report of the Judicial Conference Committee on the Operation of the Jury System on the ''Free Press—Fair Trial'' Issue, 87 F.R.D. 519, 529 (1980), which was approved by the Judicial Conference of the United States on September 25, 1980. The requirement that the protective order be issued in writing is based on Rule for Courts-Martial 405(g)(6). Section (d) adopts a ''substantial likelihood of material prejudice'' standard in place of the Judicial Conference recommendation of a ''likely to interfere'' standard. The Judicial Conference's recommendation was issued before the Supreme Court's decision in *Gentile v. State Bar of Nev.*, 501 U.S. 1030 (1991). *Gentile*, which dealt with a Rule of Professional Conduct governing extrajudicial statements, indicates that a lawyer may be disciplined for making statements that present a substantial likelihood of material prejudice to an accused's right to a fair trial. While the use of protective orders is distinguishable from limitations imposed by a bar's ethics rule, the *Gentile* decision expressly recognized that the ''speech of lawyers representing clients in pending cases may be regulated under a less demanding standard than that established for regulation of the press in *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976), and the cases which preceded it.'' 501 U.S. at 1074. The Court concluded that ''the 'substantial likelihood of material prejudice' standard constitutes a constitutionally permissible balance between the First Amendment rights of attorneys in pending cases and the State's interest in fair trials.'' *Id.* at 1075. *Gentile* also supports the constitutionality of restricting communications of non-lawyer participants in a court case. *Id.* at 1072–73 (citing *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 32–33 (1984)). Accordingly, a protective order issued under the ''substantial likelihood of material prejudice'' standard is constitutionally permissible.

''The first sentence of the discussion is based on the committee comment to the Recommendations Relating to the Conduct of Judicial Proceedings in Criminal Cases. *See* 87 F.R.D. at 530. For a definition of ''party,'' *see* R.C.M. 103(16). The second sentence of the discussion is based on the first of the Judicial Conference's recommendations concerning special orders. *See* 87 F.R.D. at 529. The third sentence of the discussion is based on the second of the Judicial Conference's recommendations, *id.* at 532, and on *United States v. Salameh*, 992 F.2d 445, 447 (2d Cir. 1993) (*per curiam*), and *In re Application of Dow Jones & Co.*, 842 F.2d 603, 611 & n.1 (2d Cir.), *cert. denied*, 488 U.S. 946 (1988). The fourth sentence is based on *Salameh*, 992 F.2d at 447. The fifth sentence is based on Rule for Courts-Martial 905(d).''.

e. The Analysis accompanying R.C.M. 1001(b)(3)(A) is amended by inserting the following at the end thereof:

''*2002 Amendment*: As previously written, R.C.M. 1001(b)(3)(A) offered little guidance about what it meant by ''civilian convictions.'' *See, e.g., United States v. White*, 47 M.J. 139, 140 (C.A.A.F. 1997); *United States v. Barnes*, 33 M.J. 468, 472–73 (C.M.A. 1992); *United States v. Slovacek*, 24 M.J. 140, 141 (CMA), *cert. denied*, 484 U.S. 855 (1987). The present rule addresses this void and intends to give the sentencing authority as

much information as the military judge determines is relevant in order to craft an appropriate sentence for the accused.

''Unlike most civilian courts, this rule does not allow admission of more extensive criminal history information, such as arrests. Use of such additional information is not appropriate in the military setting where court-martial members, not a military judge, often decide the sentence. Such information risks unnecessarily confusing the members.

''The present rule clarifies the term ''conviction'' in light of the complex and varying ways civilian jurisdictions treat the subject. The military judge may admit relevant evidence of civilian convictions without necessarily being bound by the action, procedure, or nomenclature of civilian jurisdictions. Examples of judicial determinations admissible as convictions under this rule include accepted pleas of *nolo contendere*, pleas accepted under *North Carolina v. Alford*, 400 U.S. 25 (1970), or deferred sentences. If relevant, evidence of forfeiture of bail that results in a judicial determination of guilt is also admissible, as recognized in *United States v. Eady*, 35 M.J. 15, 16 (C.M.A. 1992). While no time limit is placed upon the admissibility of prior convictions, the military judge should conduct a balancing test to determine whether convictions older than ten years should be admitted or excluded on the basis of relevance and fundamental fairness.

''The two central factors in this rule are (1) judicial determination of guilt and (2) assumption of guilt. Assumption of guilt is an all-inclusive term meaning any act by the accused in a judicial proceeding accepting, acknowledging, or admitting guilt. As long as either factor is present, the ''conviction'' is admissible, if relevant. Consequently, this rule departs from the holding in *United States v. Hughes*, 26 M.J. 119, 120 (C.M.A. 1988), where the accused pleaded guilty in a Texas court, but the judge did not enter a finding of guilty under state law allowing ''deferred adjudications.'' Under the present rule, the ''conviction'' would be admissible because the accused pleaded guilty in a judicial proceeding, notwithstanding the fact that the state judge did not enter a finding of guilty.

''In contrast, ''deferred prosecutions,'' where there is neither an admission of guilt in a judicial proceeding nor a finding of guilty, would be excluded. The rule also excludes expunged convictions, juvenile adjudications, minor traffic violations, foreign convictions, and tribal court convictions as matters inappropriate for or unnecessarily confusing to courts-martial members. What constitutes a ''minor traffic violation'' within the meaning of this rule is to be decided with reference only to federal law, and not to the laws of individual states. *See* U.S. Sentencing Guidelines Manual § 4A1.2(c)(2); ''What Constitutes 'Minor Traffic Infraction' Excludable From Calculation of Defendant's Criminal History under United States Sentencing Guideline § 4A1.2(c)(2),'' 113 A.L.R. Fed. 561 (1993).

''Additionally, because of the lack of clarity in the previous rule, courts sometimes turned to Mil. R. Evid. 609 for guidance. *See, e.g., Slovacek*, 24 M.J. at 141. We note that because the policies behind Mil. R. Evid. 609 and the present rule differ greatly, a conviction that may not be appropriate for impeachment purposes under Mil. R. Evid. 609, may nevertheless be admissible under the present rule.

''The Federal Sentencing Guidelines were consulted when drafting the present rule. Although informed by those guidelines, the present rule departs from them in many respects because of the wide differences between the courts-martial process and practice in federal district court.''.

f. The Analysis to R.C.M. 1003(b)(3) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: The amendment clearly defines the authority of special and summary courts-martial to adjudge both fines and forfeitures. *See generally United States v. Tualla*, 52 M.J. 228 (2000).''

g. The Analysis accompanying R.C.M. 1003(b)(7) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: This change resulted from the enactment of Article 56a, UCMJ, in section 581 of the National Defense Authorization Act for Fiscal Year 1998, Pub. L. No. 105–85, 111 Stat. 1629, 1759 (1997).''.

h. The Analysis accompanying R.C.M. 1004(e) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: This change resulted from the enactment of Article 56a, UCMJ, in section 581 of the National Defense Authorization Act for Fiscal Year 1998, Pub. L. No. 105–85, 111 Stat. 1629, 1759 (1997).''.

i. The Analysis accompanying R.C.M. 1006(c) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: This change to the discussion resulted from the enactment of Article 56a, UCMJ, in section 581 of the National Defense Authorization Act for Fiscal Year 1998, Pub. L. No. 105–85, 111 Stat. 1629, 1759 (1997).''.

j. The Analysis accompanying R.C.M. 1006(d) is amended by inserting after the analysis of subsection 3(A) following paragraph:

''*2002 Amendment*: Subsection (d)(4)(B) was amended as a result of the enactment of Article 56a, UCMJ, in section 581 of the National Defense Authorization Act for Fiscal Year 1998, Pub. L. No. 105–85, 111 Stat. 1629, 1759 (1997).''.

k. The Analysis accompanying R.C.M. 1009 is amended by adding at the end the following new paragraph:

''*2002 Amendment*: Subsection (e)(3)(B)(ii) was amended as a result of the enactment of Article 56a, UCMJ, in section 581 of the National Defense Authorization Act for Fiscal Year 1998, Pub. L. No. 105–85, 111 Stat. 1629, 1759 (1997).''.

l. The Analysis to R.C.M. 1103 (b)(2) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: Subsection (b)(2)(B) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1103(b)(2)(B) was amended to prevent an inconsistent requirement for a verbatim transcript between a general court-martial and a special court-martial when the adjudged sentence of a general court-martial does not include a punitive discharge or confinement greater than six months, but does include forfeiture of two-thirds pay per month for more than six months but not more than 12 months.''.

m. The Analysis to R.C.M. 1103(c) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: Subsection (c) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1103(c) was amended to conform the requirements for a verbatim transcript with the requirements of Article 19 for a 'complete record' in cases where the adjudged sentence includes a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months.''.

n. The Analysis to R.C.M. 1103(f) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: Subsection (f)(1) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106§65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1103(f)(1) was amended to include the additional limitations on sentence contained in Article 19, UCMJ.''.

o. The Analysis to R.C.M. 1104(a) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: Subsection (a)(2)(A) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1104(a)(2)(A) was amended to ensure that the military judge authenticates all verbatim records of trial at special courts-martial.''.

p. The Analysis to R.C.M. 1104(e) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: Subsection (e) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. This amendment reflects the change to R.C.M. 1106 for special court- martial with an adjudged sentence that includes confinement for one year.''.

q. The Analysis to R.C.M. 1106(a) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: Subsection (a) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. This amendment requires all special courts-martial cases subject to appellate review to comply with this rule.''.

r. The Analysis to R.C.M. 1107(d) is amended by inserting after the first paragraph the following new paragraph:

''*2002 Amendment*: The Discussion accompanying subsection (d)(1) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1107(d)(4) was amended to include the additional limitations on sentence contained in Article 19, UCMJ.''.

s. The Analysis accompanying R.C.M. 1107(d) is amended by adding at the end the following new paragraphs:

''*2002 Amendment*: Subsection (d)(4) was amended as a result of the enactment of Article 56a, UCMJ, in section 581 of the National Defense Authorization Act for Fiscal Year 1998, Pub. L. No. 105–85, 111 Stat. 1629, 1759 (1997).

''Subsection (d)(5) is new. The amendment addresses the impact of Article 58b, UCMJ. In special courts-martial, where the cumulative impact of a fine and forfeitures, whether adjudged or by operation of Article 58b, would otherwise exceed the total dollar amount of forfeitures that could be adjudged at the special court-martial, the fine and/or adjudged forfeitures should be disapproved or decreased accordingly. *See generally United States v. Tualla*, 52 M.J. 228, 231–32 (2000).''

t. The Analysis to R.C.M. 1109 is amended by adding at the end the following new paragraphs:

''*2002 Amendment*: Subsection (e) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial.

''(f) *Vacation of a suspended special court-martial sentence that includes a bad-conduct discharge or confinement for one year*. Subsection (f) was amended to implement the amendment to 10 U.S.C. ◆ 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing

the jurisdictional maximum punishment at special courts-martial. This amendment reflects the decision to treat an approved sentence of confinement for one year, regardless of whether any period of confinement is suspended, as a serious offense, in the same manner as a suspended approved bad-conduct discharge at special courts-martial under Article 72, UCMJ, and R.C.M. 1109.''.

u. The Analysis to R.C.M. 1110(a) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: Subsection (a) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial.''.

v. The Analysis to R.C.M. 1111 is amended by adding at the end the following new paragraph:

''*2002 Amendment*: R.C.M. 1111(b) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. The amendment ensures all special courts-martial not requiring appellate review are reviewed by a judge advocate under R.C.M. 1112.''.

w. The Analysis to R.C.M. 1112 is amended by adding at the end the following new paragraph:

''*2002 Amendment*: R.C.M. 1112(a)(2) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. The amendment ensures all special courts-martial not requiring appellate review are reviewed by a judge advocate under R.C.M. 1112.''.

x. The Analysis to R.C.M. 1305 (d) is amended to read as follows:

''(d) *Forwarding copies of the record*. Subsection (1) is based on Article 60(b)(2). Subsection (2) is based on the third paragraph of paragraph 91c of MCM, 1969 (Rev.). Subsection (3) is self- explanatory.

''*2001 Amendment*: Subsection (d)(2) was amended to strike the reference to ''subsection (e)(1)'' and insert a reference to ''subsection (d)(1)'' to reflect the 1995 amendment that redesignated R.C.M. 1305(e) as R.C.M. 1305(d).''.

2. *Changes to Appendix 22, the Analysis Accompanying the Military Rules of Evidence (Part III, MCM).*

a. The Analysis to Mil. R. Evid. 413 is amended by adding at the end the following new paragraph:

''*2002 Amendment*: Federal Rule of Evidence 415 which created a similar character evidence rule for civil cases, became applicable to the Military Rules of Evidence on January 6, 1996, pursuant to Rule 1102. Federal Rule 415, however, is no longer applicable to the Military Rules of Evidence, as stated in Section 1 of Executive Order , 2002 Amendments to the Manual for Court-Martial, United States, (date) Rule 415 was deleted because it applies only to federal civil proceedings.''.

b. The Analysis to Mil. R. Evid. 414 is amended by adding at the end the following new paragraph:

''*2002 Amendment*: Federal Rule of Evidence 415 which created a similar character evidence rule for civil cases, became applicable to the Military Rules of Evidence on January 6, 1996, pursuant to Rule 1102. Federal Rule 415, however, is no longer applicable to the Military Rules of Evidence, as stated in Section 1 of Executive Order , 2002 Amendments to the Manual for Court-Martial, United States, (date) Rule 415 was deleted because it applies only to federal civil proceedings.''

c. The analysis to Mil. R. Evid. 615 is amended by adding at the end the following new paragraph:

''*2002 Amendment*: These changes are intended to extend to victims at courts-martial the same rights granted to victims by the Victims' Rights and Restitution Act of 1990, 42 U.S.C. § 10606(b)(4), giving crime victims '[t]he right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial,' and the Victim Rights Clarification Act of 1997, 18 U.S.C. § 3510, which is restated in subsection (5). For the purposes of this rule, the term 'victim' includes all persons defined as victims in 42 U.S.C. § 10607(e)(2), which means 'a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime, including'—(A) in the case of a victim that is an institutional entity, an authorized representative of the entity; and (B) in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, one of the following (in order of preference): (i) a spouse; (ii) a legal guardian; (iii) a parent; (iv) a child; (v) a sibling; (vi) another family member; or (vii) another person designated by the court. 'The victim's right to remain in the courtroom remains subject to other rules, such as those regarding classified information, witness deportment, and conduct in the courtroom. Subsection (4) is intended to capture only those statutes applicable to courts-martial.''.

3. *Changes to Appendix 23, the Analysis accompanying the Punitive Articles (Part IV, MCM).*

a. The Analysis to paragraph 27(e) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: The monetary amount affecting the maximum punishments has been revised from $100 to $500 to account for inflation. The last change was in 1969 raising the amount to $100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. *See generally* American Law Institute, Model Penal Code and Commentaries § 223.1 (1980) (suggesting $500 as the value). The amendment also adds the phrase 'or any firearm or explosive' as an additional criterion. This is because, regardless of the intrinsic value of such items, the threat to the community is substantial when such items are wrongfully bought, sold, traded, dealt in or disposed.''.

b. The Analysis to paragraph 31(c)(6) is amended to read as follows:

''*2002 Amendment*: Subparagraph c(6), 'Statements made during an interrogation,' was removed in light of questions raised by the Court of Appeals for the Armed Forces in *United States v. Solis*, 46 M.J. 31, 35 (C.A.A.F. 1997). In Solis, the court said subparagraph c(6) could be viewed as serving at least three different purposes. It could be (1) an expansive description of dicta with no intent to limit prosecutions; (2) protection for an accused against overcharging; or (3) guidance for the conduct of investigations. Subparagraph c(6) was never intended to establish either procedural rights for an accused or internal guidelines to regulate government conduct. Subparagraph (c)(6) was based upon *United States v. Aronson*, 8 U.S.C.M.A. 525, 25 C.M.R. 29 (1957); *United States v. Washington*, 9 U.S.C.M.A. 131, 25 C.M.R. 393 (1958) and *United States v. Davenport*, 9 M.J. 364 (C.M.A. 1980) and was intended merely to describe the rule developed in those cases that a false statement to a law enforcement agent, when made by a servicemember without an independent duty to speak, was not 'official' and therefore not within the purview of Article 107. The subparagraph is removed because the position of the Court of Military Appeals in the three decisions noted above was abandoned in *United States v. Jackson*, 26 M.J. 377 (C.M.A. 1988) and the deleted paragraph no longer accurately describes the current state of the law.''.

c. The Analysis to paragraph 32(e) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: The monetary amount affecting the maximum punishments has been revised from $100 to $500 to account for inflation. The last change was in 1969 raising the amount to $100. The value has also been readjusted to realign it more closely with the division between felony

and misdemeanor penalties in civilian jurisdictions. *See generally* American Law Institute, Model Penal Code and Commentaries § 223.1 (1980) (suggesting $500 as the value). Although the monetary amount affecting punishment in 18 U.S.C. § 1361, *Government property or contracts*, and 18 U.S.C. § 641, *Public money, property or records*, was increased from $100 to $1000 pursuant to section 606 of the Economic Espionage Act of 1996, P. L. No. 104–294, 110 Stat. 3488 (1996), a value of $500 was chosen to maintain deterrence, simplicity, and uniformity for the Manual's property offenses.''.

d. The Analysis to paragraph 33(e) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: The monetary amount affecting the maximum punishments has been revised from $100 to $500 to account for inflation. The last change was in 1969 raising the amount to $100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. *See generally* American Law Institute, Model Penal Code and Commentaries § 223.1 (1980) (suggesting $500 as the value).''.

e. The Analysis to paragraph 46(c) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: Subparagraph c(1)(h)(vi) is new. It was added to provide guidance on how unauthorized credit, debit, or electronic transactions should usually be charged. *See United States v. Duncan*, 30 M.J. 1284, 289 (N.M.C.M.R. 1990) (citing *United States v. Jones*, 29 C.M.R. 651 (A.B.R. 1960), *petition denied*, 30 C.M.R. 417 (C.M.A. 1960)) (regarding thefts from ATM machines). Alternative charging theories are also available, *see United States v. Leslie*, 13 M.J. 170 (C.M.A. 1982); *United States v. Ragins*, 11 M.J. 42 (C.M.A. 1981); *United States v. Schaper*, 42 M.J. 737 (A.F. Ct. Crim. App. 1995); and *United States v. Christy*, 18 M.J. 688 (N.M.C.M.R. 1984). The key under Article 121 is that the accused wrongfully obtained goods or money from a person or entity with a superior possessory interest.''.

f. The Analysis to paragraph 46(e) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: The monetary amount affecting the maximum punishments has been revised from $100 to $500 to account for inflation. The last change was in 1969 raising the amount to $100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. *See generally* American Law Institute, Model Penal Code and Commentaries § 223.1 (1980) (suggesting $500 as the value). Although the monetary amount effecting punishment in 18 U.S.C. § 1361, *Government property or contracts*, and 18 U.S.C. § 641, *Public money, property or records*, was increased from $100 to $1000 pursuant to section 606 of the Economic Espionage Act of 1996, P. L. No. 104–294, 110 Stat. 3488 (1996), a value of $500 was chosen to maintain deterrence, simplicity, and uniformity for the Manual's property offenses.''.

g. The Analysis to paragraph 49(e) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: The monetary amount affecting the maximum punishments has been revised from $100 to $500 to account for inflation. The last change was in 1969 raising the amount to $100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. *See generally* American Law Institute, Model Penal Code and Commentaries § 223.1 (1980) (suggesting $500 as the value).''.

h. The Analysis to paragraph 52(e) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: The monetary amount affecting the maximum punishments has been revised from $100 to $500 to account for inflation. The last change was in 1969 raising the amount to $100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. *See generally* American

Law Institute, Model Penal Code and Commentaries § 223.1 (1980) (suggesting $500 as the value). A value of $500 was chosen to maintain deterrence, simplicity, and uniformity for the Manual's property offenses. 18 U.S.C. § 81, *Arson within special maritime and territorial jurisdiction*, no longer grades the offense on the basis of value.''.

i. The Analysis to paragraph 58(e) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: The monetary amount affecting the maximum punishments has been revised from $100 to $500 to account for inflation. The last change was in 1969 raising the amount to $100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. *See generally* American Law Institute, Model Penal Code and Commentaries § 223.1 (1980) (suggesting $500 as the value).''.

j. The Analysis to paragraph 62. Article 134 ' (Adultery) is amended to read as follows:

''c. *Explanation*. (1) Subparagraph c(2) is based on *United States. v. Snyder*, 4 C.M.R. 15 (1952); *United States v. Ruiz*, 46 M.J. 503 (A. F. Ct. Crim. App. 1997); *United States v. Green*, 39 M.J. 606 (A.C.M.R. 1994); *United States v. Collier*, 36 M.J. 501 (A.F.C.M.R. 1992); *United States v. Perez*, 33 M.J. 1050 (A.C.M.R. 1991); *United States v. Linnear*, 16 M.J. 628 (A.F.C.M.R. 1983); Part IV, paragraph 60c(2)(a) of MCM. Subparagraph c(3) is based on *United States v. Poole*, 39 M.J. 819 (A.C.M.R. 1994). Subparagraph c(4) is based on *United States v. Fogarty*, 35 M.J. 885 (A.C.M.R. 1992); Military Judges' Benchbook, DA PAM 27–9, paragraph 3–62–1 and 5–11–2 (30 Sep. 1996). *See* R.C.M. 916(j) and (l)(1) for a general discussion of mistake of fact and ignorance, which cannot be based on a negligent failure to discover the true facts.

''(2) When determining whether adulterous acts constitute the offense of adultery under Article 134, commanders should consider the listed factors. Each commander has discretion to dispose of offenses by members of the command. As with any alleged offense, however, under R.C.M. 306(b) commanders should dispose of an allegation of adultery at the lowest appropriate level. As the R.C.M. 306(b) discussion states, many factors must be taken into consideration and balanced, including, to the extent practicable, the nature of the offense, any mitigating or extenuating circumstances, the character and military service of the military member, any recommendations made by subordinate commanders, the interests of justice, military exigencies, and the effect of the decision on the military member and the command. The goal should be a disposition that is warranted, appropriate, and fair. In the case of officers, also consult the explanation to paragraph 59 in deciding how to dispose of an allegation of adultery.''.

k. The Analysis to paragraph 78(e) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: The monetary amount affecting the maximum punishments has been revised from $100 to $500 to account for inflation. The last change was in 1969 raising the amount to $100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. *See generally* American Law Institute, Model Penal Code and Commentaries § 223.1 (1980) (suggesting $500 as the value).''.

l. The Analysis to paragraph 106(e) is amended by adding at the end the following new paragraph:

''*2002 Amendment*: The monetary amount affecting the maximum punishments has been revised from $100 to $500 to account for inflation. The last change was in 1969 raising the amount to $100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. *See generally* American Law Institute, Model Penal Code and Commentaries § 223.1 (1980) (suggesting $500 as the value).''.

[FR Doc. 02–9536
Filed 4–16–02; 8:45 am]
Billing code 5000–04–P

Executive Order 13263
President's New Freedom Commission on Mental Health

Signed: April 29, 2002
Federal Register page and date: 67 FR 22337, May 3, 2002
Revoked by: EO 13316, September 17, 2003
See: Proclamation 7804 of July 26, 2004

Federal Register
Vol. 67, No. 86
Friday, May 3, 2002

Presidential Documents

Title 3—

The President

Executive Order 13263 of April 29, 2002

President's New Freedom Commission on Mental Health

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve America's mental health service delivery system for individuals with serious mental illness and children with serious emotional disturbances, it is hereby ordered as follows:

Section 1. *Establishment.* There is hereby established the President's New Freedom Commission on Mental Health (Commission).

Sec. 2. *Membership.* (a) The Commission's membership shall be composed of:

(i) Not more than fifteen members appointed by the President, including providers, payers, administrators, and consumers of mental health services and family members of consumers; and

(ii) Not more than seven ex officio members, four of whom shall be designated by the Secretary of Health and Human Services, and the remaining three of whom shall be designated—one each—by the Secretaries of the Departments of Labor, Education, and Veterans Affairs.

(b) The President shall designate a Chair from among the fifteen members of the Commission appointed by the President.

Sec. 3. *Mission.* The mission of the Commission shall be to conduct a comprehensive study of the United States mental health service delivery system, including public and private sector providers, and to advise the President on methods of improving the system. The Commission's goal shall be to recommend improvements to enable adults with serious mental illness and children with serious emotional disturbances to live, work, learn, and participate fully in their communities. In carrying out its mission, the Commission shall, at a minimum:

(a) Review the current quality and effectiveness of public and private providers and Federal, State, and local government involvement in the delivery of services to individuals with serious mental illnesses and children with serious emotional disturbances, and identify unmet needs and barriers to services.

(b) Identify innovative mental health treatments, services, and technologies that are demonstrably effective and can be widely replicated in different settings.

(c) Formulate policy options that could be implemented by public and private providers, and Federal, State, and local governments to integrate the use of effective treatments and services, improve coordination among service providers, and improve community integration for adults with serious mental illnesses and children with serious emotional disturbances.

Sec. 4. *Principles.* In conducting its mission, the Commission shall adhere to the following principles:

(a) The Commission shall focus on the desired outcomes of mental health care, which are to attain each individual's maximum level of employment, self-care, interpersonal relationships, and community participation;

(b) The Commission shall focus on community-level models of care that efficiently coordinate the multiple health and human service providers and public and private payers involved in mental health treatment and delivery of services;

(c) The Commission shall focus on those policies that maximize the utility of existing resources by increasing cost effectiveness and reducing unnecessary and burdensome regulatory barriers;

(d) The Commission shall consider how mental health research findings can be used most effectively to influence the delivery of services; and

(e) The Commission shall follow the principles of Federalism, and ensure that its recommendations promote innovation, flexibility, and accountability at all levels of government and respect the constitutional role of the States and Indian tribes.

Sec. 5. *Administration.* (a) The Department of Health and Human Services, to the extent permitted by law, shall provide funding and administrative support for the Commission.

(b) To the extent funds are available and as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707), members of the Commission appointed from among private citizens of the United States may be allowed travel expenses while engaged in the work of the Commission, including per diem in lieu of subsistence. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(c) The Commission shall have a staff headed by an Executive Director, who shall be selected by the President. To the extent permitted by law, office space, analytical support, and additional staff support for the Commission shall be provided by executive branch departments and agencies.

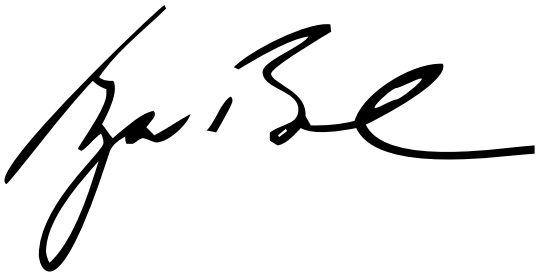
(d) Insofar as the Federal Advisory Committee Act, as amended, may apply to the Commission, any functions of the President under that Act, except for those in section 6 of that Act, shall be performed by the Department of Health and Human Services, in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 6. *Reports.* The Commission shall submit reports to the President as follows:

(a) *Interim Report.* Within 6 months from the date of this order, an interim report shall describe the extent of unmet needs and barriers to care within the mental health system and provide examples of community-based care models with success in coordination of services and providing desired outcomes.

(b) *Final Report.* The final report will set forth the Commission's recommendations, in accordance with its mission as stated in section 3 of this order. The submission date shall be determined by the Chair in consultation with the President.

Sec. 7. *Termination.* The Commission shall terminate 1 year from the date of this order, unless extended by the President prior to that date.



THE WHITE HOUSE,
April 29, 2002.

[FR Doc. 02–11166
Filed 5–2–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13264
Amendment to Executive Order 13180, Air Traffic Performance-Based Organization

Signed: June 4, 2002
Federal Register page and date: 67 FR 39243, June 7, 2002
Amends: EO 13180, December 7, 2000

Presidential Documents

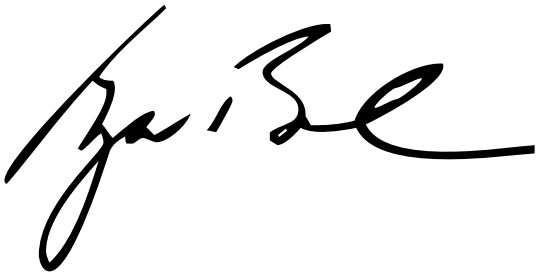
Executive Order 13264 of June 4, 2002

Amendment to Executive Order 13180, Air Traffic Performance-Based Organization

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that Executive Order 13180 of December 7, 2000, is amended as follows:

Section 1. The first sentence of that order is amended by deleting ''', an inherently governmental function,'''.

Sect. 2. Section 6 of that order is amended to read as follows: '''This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right to administrative or judicial review, or any right, whether substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.'''



THE WHITE HOUSE,
Washington, June 4, 2002.

[FR Doc. 02–14497
Filed 6–6–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13265
President's Council on Physical Fitness and Sports

Signed: June 6, 2002
Federal Register page and date: 67 FR 39841, June 11, 2002
Amended by: EO 13316, September 17, 2003
Revokes: EO 12345, February 2, 1982

Federal Register
Vol. 67, No. 112
Tuesday, June 11, 2002

Presidential Documents

Title 3—

The President

Executive Order 13265 of June 6, 2002

President's Council on Physical Fitness and Sports

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to expand the executive branch's program for physical fitness and sports and establish the President's Council on Physical Fitness and Sports (the ''Council''), it is hereby ordered as follows:

Section 1. *Purpose.* The Secretary of Health and Human Services (Secretary) shall, in carrying out his responsibilities for public health and human services, develop and coordinate a national program to enhance physical activity and sports participation. Through this program, the Secretary shall seek to:

(a) expand national interest in and awareness of the benefits of regular physical activity and active sports participation;

(b) stimulate and enhance coordination of programs within and among the private and public sectors that promote participation in, and safe and easy access to, physical activity and sports;

(c) expand availability of quality information and guidance regarding physical activity and sports participation;

(d) integrate physical activity into a broader health-promotion and disease-prevention effort through Federal agencies and the private sector; and

(e) target all Americans, with particular emphasis on children and adolescents, as well as populations or communities in which specific risks or disparities in participation in, access to, or knowledge about the benefits of physical activity have been identified.

Sec. 2. *The President's Council on Physical Fitness and Sports.*

(a) There is hereby established the President's Council on Physical Fitness and Sports.

(b) The Council shall be composed of up to 20 members appointed by the President. The President may designate one or more members to be Chair or Vice Chair. Each member shall serve for a term of 2 years and may continue to serve after the expiration of that term until a successor is appointed.

Sec. 3. *Functions of the Council.*

(a) The Council shall advise the President, through the Secretary, concerning progress made in carrying out the provisions of this order and shall recommend to the President, through the Secretary, actions to accelerate progress.

(b) The Council shall advise the Secretary on ways to enhance opportunities for participation in physical fitness and sports. Recommendations may address, but are not necessarily limited to, public awareness campaigns, Federal, State, and local physical activity initiatives, and partnership opportunities between public- and private-sector health-promotion entities.

(c) The Council shall function as a liaison to relevant State, local, and private entities in order to advise the Secretary regarding opportunities to extend and improve physical activity programs and services at both the local and national levels.

(d) The Council shall monitor the need for the enhancement of programs and educational and promotional materials sponsored, overseen, or disseminated by the Council, and shall advise the Secretary as necessary concerning such need.

Sec. 4. *Administration.*

(a) Each Federal agency shall, to the extent permitted by law and subject to available funds, furnish such information and assistance to the Secretary and the Council as they may request.

(b) The members of the Council shall serve without compensation for their work on the Council. Members of the Council may, however, receive travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government (5 U.S.C. 5701–5707).

(c) To the extent permitted by law, the Secretary shall furnish the Council with necessary staff, supplies, facilities, and other administrative services. The expenses of the Council shall be paid from funds available to the Secretary.

(d) The Secretary shall appoint an Executive Director of the Council who shall serve as a liaison to the Secretary and the White House on matters and activities pertaining to the Council.

(e) The Council may establish subcommittees as appropriate to aid in its work. Such subcommittees shall meet on a voluntary basis and be defined by objectives established in coordination with and agreed upon by the Secretary and the President.

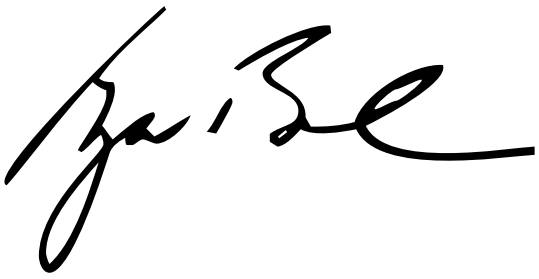
(f) The seal prescribed by Executive Order 10830 of July 24, 1959, as amended, shall be the seal of the President's Council on Physical Fitness and Sports established by this order.

Sec. 5. *General Provisions.*

(a) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (Act), may apply to the Administration of any portion of this order, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Secretary in accordance with the guidelines and procedures issued by the Administrator of General Services.

(b) In accordance with the Act, the Council shall terminate 2 years from the date of this order, unless extended by the President.

(c) Executive Order 12345 of February 2, 1982, as amended, is revoked.



THE WHITE HOUSE,

June 6, 2002.

[FR Doc. 02–14807

Filed 6–10–02; 8:45 am]

Billing code 3195–01–P

Executive Order 13266
Activities To Promote Personal Fitness

Signed: June 20, 2002
Federal Register page and date: 67 FR 42467, June 24, 2002

Federal Register
Vol. 67, No. 121
Monday, June 24, 2002

Presidential Documents

Title 3—

The President

Executive Order 13266 of June 20, 2002

Activities To Promote Personal Fitness

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve the efficiency and coordination of Federal policies related to personal fitness of the general public, it is hereby ordered as follows:

Section 1. *Policy.* This order is issued consistent with the following findings and principles:

(a) Growing scientific evidence indicates that an increasing number of Americans are suffering from negligible physical activity, poor dietary habits, insufficient utilization of preventive health screenings, and engaging in risky behaviors such as abuse of alcohol, tobacco, and drugs.

(b) Existing information on the importance of appropriate physical activity, diet, preventive health screenings, and avoiding harmful substances is often not received by the public, or, if received, is not acted on sufficiently.

(c) Individuals of all ages, locations, and levels of personal fitness can benefit from some level of appropriate physical activity, dietary guidance, preventive health screening, and making healthy choices.

(d) While personal fitness is an individual responsibility, the Federal Government may, within the authority and funds otherwise available, expand the opportunities for individuals to empower themselves to improve their general health. Such opportunities may include improving the flow of information about personal fitness, assisting in the utilization of that information, increasing the accessibility of resources for physical activity, and reducing barriers to achieving good personal fitness.

Sec. 2. *Agency Responsibilities in Promoting Personal Fitness.*

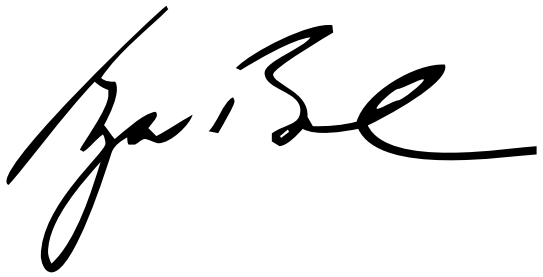
(a) The Secretaries of Agriculture, Education, Health and Human Services (HHS), Housing and Urban Development, Interior, Labor, Transportation, and Veterans Affairs, and the Director of the Office of National Drug Policy shall review and evaluate the policies, programs, and regulations of their respective departments and offices that in any way relate to the personal fitness of the general public. Based on that review, the Secretaries and the Director shall determine whether existing policies, programs, and regulations of their respective departments and offices should be modified or whether new policies or programs could be implemented. These new policies and programs shall be consistent with otherwise available authority and appropriated funds, and shall improve the Federal Government's assistance of individuals, private organizations, and State and local governments to (i) increase physical activity; (ii) promote responsible dietary habits; (iii) increase utilization of preventive health screenings; and (iv) encourage healthy choices concerning alcohol, tobacco, drugs, and safety among the general public.

(b) Each department and office included in section 2(a) shall report to the President, through the Secretary of Health and Human Services, its proposed actions within 90 days of the date of this order.

(c) There shall be a Personal Fitness Interagency Working Group (Working Group), composed of the Secretaries or Director of the departments and office included in section 2(a) (or their designees) and chaired by the Secretary of HHS or his designee. In order to improve efficiency through information sharing and to eliminate waste and overlap, the Working Group shall

work to ensure the cooperation of Federal agencies in coordinating Federal personal fitness activities. The Working Group shall meet subject to the call of the Chair, but not less than twice a year. The Department of Health and Human Services shall provide such administrative support to the Working Group as the Secretary of HHS deems necessary. Each member of the Working Group shall be a full-time or permanent part-time officer or employee of the Federal Government.

Sec. 3. *General Provisions.* This order is intended only to improve the internal management of the executive branch and it is not intended to, and does not, create any right, benefit, trust, or responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies or entities, its officers or employees, or any person.



THE WHITE HOUSE,
June 20, 2002.

[FR Doc. 02–16040
Filed 6–21–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13267

Establishing a Transition Planning Office for the Department of Homeland Security Within the Office of Management and Budget

Signed: June 20, 2002

Federal Register page and date: 67 FR 42469, June 24, 2002

Presidential Documents

Executive Order 13267 of June 20, 2002

Establishing a Transition Planning Office for the Department of Homeland Security Within the Office of Management and Budget

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Establishment.* I hereby establish within the Office of Management and Budget (OMB) a Transition Planning Office for the Department of Homeland Security (the ''Transition Planning Office''), to be headed by the Director of the Transition Planning Office for the Department of Homeland Security (the ''Director for Transition Planning'').

Sec. 2. *Missions.* The missions of the Transition Planning Office shall be to:

(a) coordinate, guide, and conduct transition and related planning throughout the executive branch of the United States Government in preparation for establishment of the proposed Department of Homeland Security; and

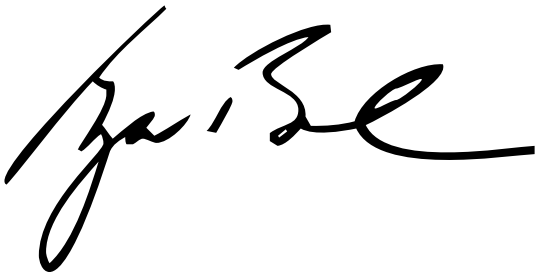
(b) consistent with Presidential guidance, work with the Congress as it considers legislation to establish that Department.

Sec. 3. *Administration.* (a) The Director of OMB shall ensure that the Transition Planning Office receives appropriate personnel (including detailees and assignees, as appropriate), funding, and administrative support for the Office, subject to the availability of appropriations. The Director of OMB is authorized to make expenditures under section 522 of title 31, United States Code, as may be appropriate to carry out this order.

(b) If an individual who is an Assistant to the President is appointed to serve simultaneously as Director for Transition Planning, the functioning, personnel, funds, records, and property of the office of the Assistant to the President and the office of the Director for Transition Planning shall be kept separate in the same manner as if the two offices were headed by two different individuals.

Sec. 4. *Other Departments and Agencies.* This order does not alter the existing authorities of United States Government departments and agencies. In carrying out the missions set forth in section 2 of this order, all executive departments and agencies are directed to assist the Director for Transition Planning and the Transition Planning Office to the extent permitted by law.

Sec. 5. *Termination.* The Transition Planning Office, and all the authorities of this order, shall terminate within 90 days after the date on which legislation creating the Department of Homeland Security is enacted, or within 1 year of the date of this order, whichever occurs first.



THE WHITE HOUSE,
June 20, 2002.

[FR Doc. 02–16041
Filed 6–21–01; 8:45 am]
Billing code 3195–01–P

Executive Order 13268

Termination of Emergency With Respect to the Taliban and Amendment of Executive Order 13224 of September 23, 2001

Signed: July 2, 2002

Federal Register page and date: 67 FR 44751, July 3, 2002

Amends: EO 13224, September 23, 2001

See: EO 13129, July 4, 1999

Federal Register

Wednesday,
July 3, 2002

Part V

The President

Executive Order 13268—Termination of Emergency With Respect to the Taliban and Amendment of Executive Order 13224 of September 23, 2001

Federal Register
Vol. 67, No. 128
Wednesday, July 3, 2002

Presidential Documents

Title 3—

The President

Executive Order 13268 of July 2, 2002

Termination of Emergency With Respect to the Taliban and Amendment of Executive Order 13224 of September 23, 2001

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, find that the situation that gave rise to the declaration of a national emergency in Executive Order 13129 of July 4, 1999, with respect to the Taliban, in allowing territory under its control in Afghanistan to be used as a safe haven and base of operations for Usama bin Ladin and the Al-Qaida organization, has been significantly altered given the success of the military campaign in Afghanistan, and hereby revoke that order and terminate the national emergency declared in that order with respect to the Taliban. At the same time, and in order to take additional steps with respect to the grave acts of terrorism and threats of terrorism committed by foreign terrorists, the continuing and immediate threat of further attacks on United States nationals or the United States, and the national emergency described and declared in Executive Order 13224 of September 23, 2001, I hereby order:

Section 1. The Annex to Executive Order 13224 of September 23, 2001, is amended by adding thereto the following persons in appropriate alphabetical order:

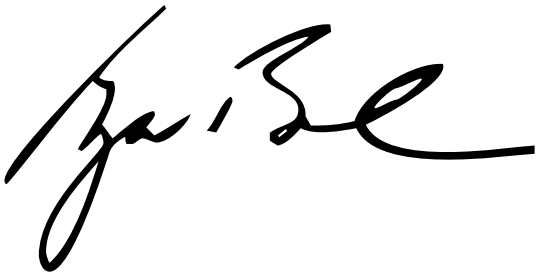
Mohammed Omar (aka, Amir al-Mumineen [Commander of the Faithful])

The Taliban.

Sec. 2. For the purposes of this order and Executive Order 13224 of September 23, 2001, the term ''the Taliban'' is also known as the ''Taleban,'' ''Islamic Movement of Taliban,'' ''the Taliban Islamic Movement,'' ''Talibano Islami Tahrik,'' and ''Tahrike Islami'a Taliban''. The Secretary of State, in consultation with the Secretary of the Treasury, is hereby authorized to modify the definition of the term ''the Taliban,'' as appropriate.

Sec. 3. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 4. Pursuant to section 202 of the NEA (50 U.S.C. 1622), termination of the national emergency with respect to the Taliban shall not affect any action taken or proceeding pending not finally concluded or determined as of the date of this order, or any action or proceeding based on any act committed prior to the date of this order, or any rights or duties that matured or penalties that were incurred prior to the date of this order.



THE WHITE HOUSE,
July 2, 2002.

[FR Doc. 02–16951
Filed 7–2–02; 11:09 am]
Billing code 3195–01–P

Executive Order 13269

Expedited Naturalization of Aliens and Noncitizen Nationals Serving in an Active-Duty Status During the War on Terrorism

Signed: July 3, 2002

Federal Register page and date: 67 FR 45287, July 8, 2002

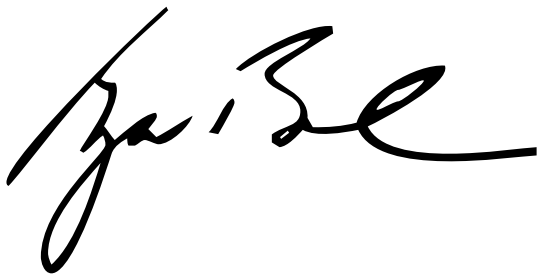
Presidential Documents

Executive Order 13269 of July 3, 2002

Expedited Naturalization of Aliens and Noncitizen Nationals Serving in an Active-Duty Status During the War on Terrorism

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) (the ''Act''), and solely in order to provide expedited naturalization for aliens and noncitizen nationals serving in an active-duty status in the Armed Forces of the United States during the period of the war against terrorists of global reach, it is hereby ordered as follows:

For the purpose of determining qualification for the exception from the usual requirements for naturalization, I designate as a period in which the Armed Forces of the United States were engaged in armed conflict with a hostile foreign force the period beginning on September 11, 2001. Such period will be deemed to terminate on a date designated by future Executive Order. Those persons serving honorably in active-duty status in the Armed Forces of the United States, during the period beginning on September 11, 2001, and terminating on the date to be so designated, are eligible for naturalization in accordance with the statutory exception to the naturalization requirements, as provided in section 329 of the Act. Nothing contained in this order is intended to affect, nor does it affect, any other power, right, or obligation of the United States, its agencies, officers, employees, or any other person under Federal law or the law of nations.



THE WHITE HOUSE,
July 3, 2002.

[FR Doc. 02–17273
Filed 7–5–02; 10:21 am]
Billing code 3195–01–P

Executive Order 13270
Tribal Colleges and Universities

Signed: July 3, 2002
Federal Register page and date: 67 FR 45288, July 8, 2002
Amended by: EO 13316, September 17, 2003
Revokes: EO 13021, October 19, 1996

Presidential Documents

Executive Order 13270 of July 3, 2002

Tribal Colleges and Universities

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* There is a unique relationship between the United States and Indian tribes, and a special relationship between the United States and Alaska Native entities. It is the policy of the Federal Government that this Nation's commitment to educational excellence and opportunity must extend as well to the tribal colleges and universities (tribal colleges) that serve Indian tribes and Alaska Native entities. The President's Board of Advisors on Tribal Colleges and Universities (the ''Board'') and the White House Initiative on Tribal Colleges and Universities (WHITCU) established by this order shall ensure that this national policy regarding tribal colleges is carried out with direct accountability at the highest levels of the Federal Government.

Tribal colleges are both integral and essential to their communities. Often they are the only postsecondary institutions within some of our Nation's poorest rural areas. They fulfill a vital role: in maintaining and preserving irreplaceable languages and cultural traditions; in offering a high-quality college education to younger students; and in providing job training and other career-building programs to adults and senior citizens. Tribal colleges provide crucial services in communities that continue to suffer high rates of unemployment and the resulting social and economic distress.

The Federal Government's commitment to tribal colleges is reaffirmed and the private sector can and should contribute to the colleges' educational and cultural missions.

Finally, postsecondary institutions can play a vital role in promoting excellence in early childhood, elementary, and secondary education. The Federal Government will therefore work to implement the innovations and reforms of the No Child Left Behind Act of 2001 (Public Law 107–110) in partnership with tribal colleges and their American Indian and Alaska Native communities.

Sec. 2. *Definition of Tribal Colleges and Universities.* Tribal colleges are those institutions cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 *et seq.*), and Diné College, authorized in the Navajo Community College Assistance Act of 1978, Public Law 95–471, title II (25 U.S.C. 640a note).

Sec. 3. *Board of Advisors.* (a) *Establishment.* There shall be established in the Department of Education a Presidential advisory committee entitled the President's Board of Advisors on Tribal Colleges and Universities (the ''Board'').

(b) *Membership.* The Board shall consist of not more than 15 members who shall be appointed by the President, one of whom shall be designated by the President as Chair. The Board shall include representatives of tribal colleges and may also include representatives of the higher, early childhood, elementary, and secondary education communities; tribal officials; health, business, and financial institutions; private foundations; and such other persons as the President deems appropriate.

(c) *Functions.* The Board shall provide advice regarding the progress made by Federal agencies toward fulfilling the purposes and objectives of this order. The Board also shall provide recommendations to the President, through the Secretary of Education (Secretary), on ways the Federal Government can help tribal colleges:

(1) use long-term development, endowment building, and planning to strengthen institutional viability;

(2) improve financial management and security, obtain private-sector funding support, and expand and complement Federal education initiatives;

(3) develop institutional capacity through the use of new and emerging technologies offered by both the Federal and private sectors;

(4) enhance physical infrastructure to facilitate more efficient operation and effective recruitment and retention of students and faculty; and

(5) help implement the No Child Left Behind Act of 2001 and meet other high standards of educational achievement.

(d) *Meetings.* The Board shall meet at least annually, at the request of the Secretary, to provide advice and consultation on tribal colleges and relevant Federal and private-sector activities, and to transmit reports and present recommendations.

Sec. 4. *White House Initiative on Tribal Colleges and Universities.* There shall be established in the Department of Education, Office of the Secretary, the White House Initiative on Tribal Colleges and Universities (WHITCU). The WHITCU shall:

(a) provide the staff support for the Board;

(b) assist the Secretary in the role of liaison between the executive branch and tribal colleges; and

(c) serve the Secretary in carrying out the Secretary's responsibilities under this order.

Sec. 5. *Department and Agency Participation.* Each participating executive department and agency (agency), as determined by the Secretary, shall appoint a senior official who is a full-time officer of the Federal Government and who is responsible for management or program administration. The official shall report directly to the agency head, or to the agency head's designee, on agency activity under this order and serve as liaison to the WHITCU. To the extent permitted by law and regulation, each agency shall provide appropriate information as requested by the WHITCU staff pursuant to this order.

Sec. 6. *Three-Year Federal Plan.*

(a) *Content.* Each agency identified by the Secretary shall develop and implement a Three-Year Plan of the agency's efforts to fulfill the purposes of this order. These Three-Year Plans shall include annual performance indicators and appropriate measurable objectives for the agency. Among other relevant issues, the plans shall address how the agency intends to increase the capacity of tribal colleges to compete effectively for any available grants, contracts, cooperative agreements, and any other Federal resources, and to encourage tribal colleges to participate in Federal programs. The plans also may emphasize access to high-quality educational opportunities for economically disadvantaged Indian students, consistent with requirements of the No Child Left Behind Act of 2001; the preservation and revitalization of tribal languages and cultural traditions; and innovative approaches to better link tribal colleges with early childhood, elementary, and secondary education programs. The agency's performance indicators and objectives should be clearly reflected in the agency's annual budget submission to the Office of Management and Budget. To facilitate the attainment of these performance indicators and objectives, the head of each agency identified by the Secretary, shall provide, as appropriate, technical assistance and information to tribal colleges regarding the program activities of the agency

and the preparation of applications or proposals for grants, contracts, or cooperative agreements.

(b) *Submission*. Each agency shall submit its Three-Year Plan to the WHITCU. In consultation with the Board, the WHITCU shall then review these Three-Year Plans and develop an integrated Three-Year Plan for Assistance to Tribal Colleges, which the Secretary shall review and submit to the President. Agencies may revise their Three-Year Plans within the three-year period.

(c) *Annual Performance Reports.* Each agency shall submit to the WHITCU an Annual Performance Report that measures the agency's performance against the objectives set forth in its Three-Year Plan. In consultation with the Board, the WHITCU shall review and combine Annual Performance Reports into one annual report, which shall be submitted to the Secretary for review, in consultation with the Office of Management and Budget.

Sec. 7. *Private Sector.* In cooperation with the Board, the WHITCU shall encourage the private sector to assist tribal colleges through increased use of such strategies as:

(a) matching funds to support increased endowments;

(b) developing expertise and more effective ways to manage finances, improve information systems, build facilities, and improve course offerings; and

(c) increasing resources for and training of faculty.

Sec. 8. *Termination.* The Board shall terminate 2 years after the date of this order unless the Board is renewed by the President prior to the end of that 2-year period.

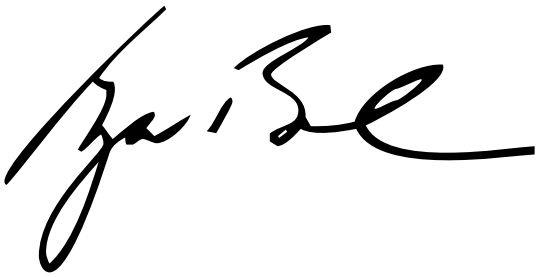
Sec. 9. *Administration.* (a) *Compensation*. Members of the Board shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707).

(b) *Funding*. The Board and the WHITCU shall be funded by the Department of Education.

(c) *Administrative Support*. The Department of Education shall provide appropriate administrative services and staff support for the Board and the WHITCU. With the consent of the Department of Education, other agencies participating in the WHITCU shall provide administrative support (including detailees) to the WHITCU consistent with statutory authority. The Board and the WHITCU each shall have a staff and shall be supported at appropriate levels commensurate with that of similar White House Initiative Offices.

(d) *General Provisions*. Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the ''Act''), may apply to the administration of any portion of this order, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Secretary of Education in accordance with the guidelines issued by the Administrator of General Services.

Sec. 10. *Revocation.* Executive Order 13021 of October 19, 1996, as amended, is revoked.



THE WHITE HOUSE,
July 3, 2002.

[FR Doc. 02–17274
Filed 7–5–02; 10:22 am]
Billing code 3195–01–P

Executive Order 13271
Establishment of the Corporate Fraud Task Force

Signed: July 9, 2002
Federal Register page and date: 67 FR 46091, July 11, 2002
Amends: EO 13286, February 28, 2003

Federal Register

Thursday,
July 11, 2002

Part III

The President

Executive Order 13271—Establishment of the Corporate Fraud Task Force

Federal Register
Vol. 67, No. 133
Thursday, July 11, 2002

Presidential Documents

Title 3—

The President

Executive Order 13271 of July 9, 2002

Establishment of the Corporate Fraud Task Force

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to strengthen the efforts of the Department of Justice and Federal, State, and local agencies to investigate and prosecute significant financial crimes, recover the proceeds of such crimes, and ensure just and effective punishment of those who perpetrate financial crimes, it is hereby ordered as follows:

Section 1. *Establishment.* The Attorney General shall immediately establish within the Department of Justice a Corporate Fraud Task Force (Task Force). Without regard to any other provision of this order, the Task Force shall be subject to the authority of the Attorney General under applicable law.

Sec. 2. *Membership and Operation.* Subject to section 4 of this order, the Task Force shall have the following members:

(a) the Deputy Attorney General, who shall serve as Chair;

(b) the Assistant Attorney General (Criminal Division);

(c) the Assistant Attorney General (Tax Division);

(d) the Director of the Federal Bureau of Investigation;

(e) the United States Attorney for the Southern District of New York;

(f) the United States Attorney for the Eastern District of New York;

(g) the United States Attorney for the Northern District of Illinois;

(h) the United States Attorney for the Eastern District of Pennsylvania;

(i) the United States Attorney for the Central District of California;

(j) the United States Attorney for the Northern District of California;

(k) the United States Attorney for the Southern District of Texas; and

(l) such other officers or employees of the Department of Justice as the Attorney General may from time to time designate.

The Deputy Attorney General shall convene and direct the work of the Task Force in fulfilling all its functions under this order. The Deputy Attorney General may permit, when he deems it appropriate, the designee of a member of the Task Force, including those designated under section 4 of this order, to participate in lieu of the member. The Deputy Attorney General shall convene the first meeting of the Task Force within 10 days of the date of this order and shall thereafter convene the Task Force at such times as he deems appropriate.

Sec. 3. *Functions.* Consistent with the constitutional authority of the President, the authorities assigned to the Attorney General by law, and other applicable law, the Task Force shall:

(a) provide direction for the investigation and prosecution of cases of securities fraud, accounting fraud, mail and wire fraud, money laundering, tax fraud based on such predicate offenses, and other related financial crimes committed by commercial entities and directors, officers, professional advisers, and employees thereof (hereinafter ''financial crimes''), when such cases are determined by the Deputy Attorney General, for purposes of this order, to be significant;

(b) provide recommendations to the Attorney General for allocation and reallocation of resources of the Department of Justice for investigation and

prosecution of significant financial crimes, recovery of proceeds from such crimes to the extent permitted by law, and other matters determined by the Task Force from time to time to be of the highest priority in the investigation and prosecution of such crimes; and

(c) make recommendations to the President, through the Attorney General, from time to time for:

(i) action to enhance cooperation among departments, agencies, and entities of the Federal Government in the investigation and prosecution of significant financial crimes;

(ii) action to enhance cooperation among Federal, State, and local authorities responsible for the investigation and prosecution of significant financial crimes;

(iii) changes in rules, regulations, or policy to improve the effective investigation and prosecution of significant financial crimes; and

(iv) recommendations to the Congress regarding such measures as the President may judge necessary and expedient relating to significant financial crimes, or the investigation or prosecution thereof.

Sec. 4. *Additional Participation for Specified Functions.* In the Task Force's performance of the functions set forth in subsection 3(c) of this order, and to the extent permitted by law, the following officers of the executive branch shall be members of the Task Force in addition to such other officers of the Federal Government as the Deputy Attorney General deems appropriate:

(a) the Secretary of the Treasury;

(b) the Chairman of the Securities and Exchange Commission;

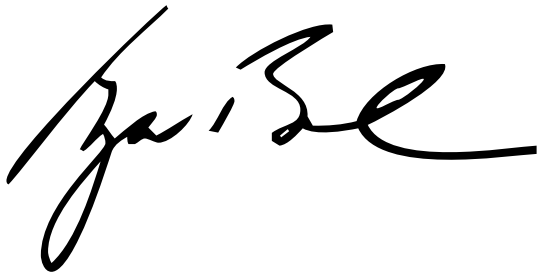
(c) the Chairman of the Commodities Futures Trading Commission;

(d) the Chairman of the Federal Energy Regulatory Commission; and

(e) the Chairman of the Federal Communications Commission.

Sec. 5. *Internal Management Purpose.* This order is intended to improve the internal management of the Federal Government. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity or otherwise against the United States, its departments, agencies, entities, instrumentalities, officers, or employees, or any other person.

Sec. 6. *Termination.* The Task Force shall terminate when directed by the President or, with the approval of the President, by the Attorney General.



THE WHITE HOUSE,
July 9, 2002.

[FR Doc. 02–17640
Filed 7–10–02; 11:15 am]
Billing code 3195–01–P

Executive Order 13272
Proper Consideration of Small Entities in Agency Rulemaking

Signed: August 13, 2002
Federal Register page and date: 67 FR 53461, August 16, 2002
See: EO 12866, September 30, 1993

Federal Register
Vol. 67, No. 159
Friday, August 16, 2002

Presidential Documents

Title 3—

The President

Executive Order 13272 of August 13, 2002

Proper Consideration of Small Entities in Agency Rulemaking

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *General Requirements.* Each agency shall establish procedures and policies to promote compliance with the Regulatory Flexibility Act, as amended (5 U.S.C. 601 *et seq.*) (the ''Act''). Agencies shall thoroughly review draft rules to assess and take appropriate account of the potential impact on small businesses, small governmental jurisdictions, and small organizations, as provided by the Act. The Chief Counsel for Advocacy of the Small Business Administration (Advocacy) shall remain available to advise agencies in performing that review consistent with the provisions of the Act.

Sec. 2. *Responsibilities of Advocacy.* Consistent with the requirements of the Act, other applicable law, and Executive Order 12866 of September 30, 1993, as amended, Advocacy:

(a) shall notify agency heads from time to time of the requirements of the Act, including by issuing notifications with respect to the basic requirements of the Act within 90 days of the date of this order;

(b) shall provide training to agencies on compliance with the Act; and

(c) may provide comment on draft rules to the agency that has proposed or intends to propose the rules and to the Office of Information and Regulatory Affairs of the Office of Management and Budget (OIRA).

Sec. 3. *Responsibilities of Federal Agencies.* Consistent with the requirements of the Act and applicable law, agencies shall:

(a) Within 180 days of the date of this order, issue written procedures and policies, consistent with the Act, to ensure that the potential impacts of agencies' draft rules on small businesses, small governmental jurisdictions, and small organizations are properly considered during the rulemaking process. Agency heads shall submit, no later than 90 days from the date of this order, their written procedures and policies to Advocacy for comment. Prior to issuing final procedures and policies, agencies shall consider any such comments received within 60 days from the date of the submission of the agencies' procedures and policies to Advocacy. Except to the extent otherwise specifically provided by statute or Executive Order, agencies shall make the final procedures and policies available to the public through the Internet or other easily accessible means;

(b) Notify Advocacy of any draft rules that may have a significant economic impact on a substantial number of small entities under the Act. Such notifications shall be made (i) when the agency submits a draft rule to OIRA under Executive Order 12866 if that order requires such submission, or (ii) if no submission to OIRA is so required, at a reasonable time prior to publication of the rule by the agency; and

(c) Give every appropriate consideration to any comments provided by Advocacy regarding a draft rule. Consistent with applicable law and appropriate protection of executive deliberations and legal privileges, an agency shall include, in any explanation or discussion accompanying publication in the **Federal Register** of a final rule, the agency's response to any written comments submitted by Advocacy on the proposed rule that preceded the

final rule; provided, however, that such inclusion is not required if the head of the agency certifies that the public interest is not served thereby. Agencies and Advocacy may, to the extent permitted by law, engage in an exchange of data and research, as appropriate, to foster the purposes of the Act.

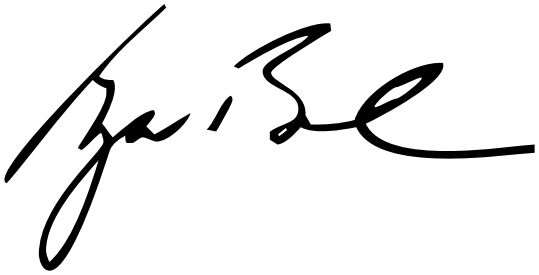
Sec. 4. *Definitions.* Terms defined in section 601 of title 5, United States Code, including the term ''agency,'' shall have the same meaning in this order.

Sec. 5. *Preservation of Authority.* Nothing in this order shall be construed to impair or affect the authority of the Administrator of the Small Business Administration to supervise the Small Business Administration as provided in the first sentence of section 2(b)(1) of Public Law 85–09536 (15 U.S.C. 633(b)(1)).

Sec. 6. *Reporting.* For the purpose of promoting compliance with this order, Advocacy shall submit a report not less than annually to the Director of the Office of Management and Budget on the extent of compliance with this order by agencies.

Sec. 7. *Confidentiality.* Consistent with existing law, Advocacy may publicly disclose information that it receives from the agencies in the course of carrying out this order only to the extent that such information already has been lawfully and publicly disclosed by OIRA or the relevant rulemaking agency.

Sec. 8. *Judicial Review.* This order is intended only to improve the internal management of the Federal Government. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,
August 13, 2002.

[FR Doc. 02–21056
Filed 08–15–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13273

Further Amending Executive Order 10173, as Amended, Prescribing Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and Waterfront Facilities of the United States

Signed: August 21, 2002

Federal Register page and date: 67 FR 56215, September 3, 2002

See: EO 10173, October 18, 1950

Federal Register
Vol. 67, No. 170
Tuesday, September 3, 2002

Presidential Documents

Title 3—

The President

Executive Order 13273 of August 21, 2002

Further Amending Executive Order 10173, as Amended, Prescribing Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and Waterfront Facilities of the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1 of title II of the Act of June 15, 1917, as amended (50 U.S.C. 191) (the ''Act''), and in addition to the finding in Executive Order 10173 of October 18, 1950, and any other declaration or finding in force under section 1 of the Act, I find that the security of the United States is endangered by reason of disturbances in the international relations of the United States that have existed since the terrorist attacks on the United States of September 11, 2001, and that such disturbances continue to endanger such relations, and hereby order that:

Part 6 of Title 33 of the Code of Federal Regulations is amended by:

(a) Adding after section 6.01–5 the following new section:

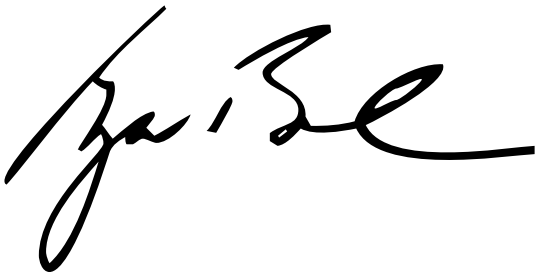
''6.01–6 Area Commander. ''Area Commander,'' as used in this part, means the officer of the Coast Guard designated by the Commandant to command a Coast Guard Area.''; and

(b) Amending section 6.04–1 to read as follows:

''6.04–1 Enforcement. (a) The rules and regulations in this part shall be enforced by the Captain of the Port under the supervision and general direction of the District Commander, Area Commander, and the Commandant. All authority and power vested in the Captain of the Port by the regulations in this part shall be deemed vested in and may be exercised by the District Commander, Area Commander, and the Commandant.

(b) The rules and regulations in this part may be enforced by any other officer or petty officer of the Coast Guard designated by the District Commander, Area Commander, or the Commandant.

(c) Any authority or power under this part vested in, delegated to, or exercised by a member of the Coast Guard shall be subject to the direction of the Secretary of the Department in which the Coast Guard is operating.''.



THE WHITE HOUSE,
August 21, 2002.

[FR Doc. 02–22526
Filed 8–30–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13274
Environmental Stewardship and Transportation Infrastructure Project Reviews

Signed: September 18, 2002
Federal Register page and date: 67 FR 59449, September 23, 2002
Amends: EO 13286, February 28, 2003

Federal Register
Vol. 67, No. 184
Monday, September 23, 2002

Presidential Documents

Title 3—

The President

Executive Order 13274 of September 18, 2002

Environmental Stewardship and Transportation Infrastructure Project Reviews

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to enhance environmental stewardship and streamline the environmental review and development of transportation infrastructure projects, it is hereby ordered as follows:

Section 1. *Policy.* The development and implementation of transportation infrastructure projects in an efficient and environmentally sound manner is essential to the well-being of the American people and a strong American economy. Executive departments and agencies (agencies) shall take appropriate actions, to the extent consistent with applicable law and available resources, to promote environmental stewardship in the Nation's transportation system and expedite environmental reviews of high-priority transportation infrastructure projects.

Sec. 2. *Actions.* (a) For transportation infrastructure projects, agencies shall, in support of the Department of Transportation, formulate and implement administrative, policy, and procedural mechanisms that enable each agency required by law to conduct environmental reviews (reviews) with respect to such projects to ensure completion of such reviews in a timely and environmentally responsible manner.

(b) In furtherance of the policy set forth in section 1 of this order, the Secretary of Transportation, in coordination with agencies as appropriate, shall advance environmental stewardship through cooperative actions with project sponsors to promote protection and enhancement of the natural and human environment in the planning, development, operation, and maintenance of transportation facilities and services.

(c) The Secretary of Transportation shall designate for the purposes of this order a list of high-priority transportation infrastructure projects that should receive expedited agency reviews and shall amend such list from time to time as the Secretary deems appropriate. For projects on the Secretary's list, agencies shall to the maximum extent practicable expedite their reviews for relevant permits or other approvals, and take related actions as necessary, consistent with available resources and applicable laws, including those relating to safety, public health, and environmental protection.

Sec. 3. *Interagency Task Force.* (a) *Establishment.* There is established, within the Department of Transportation for administrative purposes, the interagency ''Transportation Infrastructure Streamlining Task Force'' (Task Force) to: (i) monitor and assist agencies in their efforts to expedite a review of transportation infrastructure projects and issue permits or similar actions, as necessary; (ii) review projects, at least quarterly, on the list of priority projects pursuant to section 2(c) of this order; and (iii) identify and promote policies that can effectively streamline the process required to provide approvals for transportation infrastructure projects, in compliance with applicable law, while maintaining safety, public health, and environmental protection.

(b) *Membership and Operation.* The Task Force shall promote interagency cooperation and the establishment of appropriate mechanisms to coordinate Federal, State, tribal, and local agency consultation, review, approval, and permitting of transportation infrastructure projects. The Task Force shall consist exclusively of the following officers of the United States: the Secretary

of Agriculture, Secretary of Commerce, Secretary of Transportation (who shall chair the Task Force), Secretary of the Interior, Secretary of Defense, Administrator of the Environmental Protection Agency, Chairman of the Advisory Council on Historic Preservation, and Chairman of the Council on Environmental Quality. A member of the Task Force may designate, to perform the Task Force functions of the member, any person who is part of the member's department, agency, or office and who is either an officer of the United States appointed by the President with the advice and consent of the Senate or a member of the Senior Executive Service. The Task Force shall report to the President through the Chairman of the Council on Environmental Quality.

Sec. 4. *Report.* At least once each year, the Task Force shall submit to the President a report that: (a) Describes the results of the coordinated and expedited reviews on a project-by-project basis, and identifies those procedures and actions that proved to be most useful and appropriate in coordinating and expediting the review of the projects.

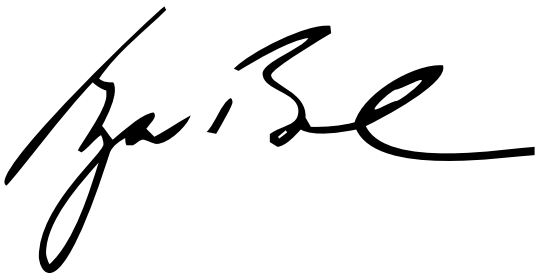
(b) Identifies substantive and procedural requirements of Federal, State, tribal, and local laws, regulations, and Executive Orders that are inconsistent with, duplicative of, or are structured so as to restrict their efficient implementation with other applicable requirements.

(c) Makes recommendations regarding those additional actions that could be taken to: (i) address the coordination and expediting of reviews of transportation infrastructure projects by simplifying and harmonizing applicable substantive and procedural requirements; and (ii) elevate and resolve controversies among Federal, State, tribal, and local agencies related to the review or impacts of transportation infrastructure projects in a timely manner.

(d) Provides any other recommendations that would, in the judgement of the Task Force, advance the policy set forth in section 1 of this order.

Sec. 5. *Preservation of Authority.* Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals.

Sec. 6. *Judicial Review.* This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.



THE WHITE HOUSE,
September 18, 2002.

[FR Doc. 02–24252
Filed 9–20–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13275

Creating a Board of Inquiry To Report on Certain Labor Disputes Affecting the Maritime Industry of the United States

Signed: October 7, 2002

Federal Register page and date: 67 FR 62869, October 9, 2002

Presidential Documents

Executive Order 13275 of October 7, 2002

Creating a Board of Inquiry To Report on Certain Labor Disputes Affecting the Maritime Industry of the United States

WHEREAS, there exists a labor dispute between, on the one hand, employees represented by the International Longshore and Warehouse Union and, on the other hand, employers and the bargaining association of employers who are (1) U.S. and foreign steamship companies operating ships or employed as agents for ships engaged in service to or from the Pacific Coast ports in California, Oregon, and Washington, and (2) stevedore and terminal companies operating at ports in California, Oregon, and Washington; and

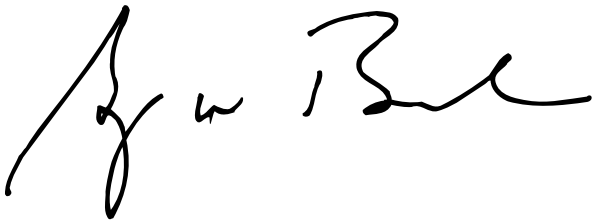
WHEREAS, such dispute has resulted in a lock-out that affects a substantial part of the maritime industry, an industry engaged in trade, commerce, transportation (including the transportation of military supplies), transmission, and communication among the several States and with foreign nations; and

WHEREAS, a continuation of this lock-out, if permitted to continue, will imperil the national health and safety;

NOW, THEREFORE, by virtue of the authority vested in me by section 206 of the Labor Management Relations Act, 1947 (61 Stat. 155; 29 U.S.C. 176) (the ''Act''), I hereby create a Board of Inquiry consisting of such members as I shall appoint to inquire into the issues involved in such dispute.

The Board shall have powers and duties as set forth in title II of the Act. The Board shall report to me in accordance with the provisions of section 206 of the Act no later than October 8, 2002.

Upon the submission of its report, the Board shall continue in existence in order to perform any additional functions under the Act, including those functions set forth in section 209(b), but shall terminate no later than upon completion of such functions.



THE WHITE HOUSE,
October 7, 2002.

[FR Doc. 02–25900
Filed 10–8–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13276

Delegation of Responsibilities Concerning Undocumented Aliens Interdicted or Intercepted in the Caribbean Region

Signed: November 15, 2002

Federal Register page and date: 67 FR 69985, November 19, 2002

See: EO 12807, May 24, 1992

Amends: EO 13286, February 28, 2003

Federal Register

Tuesday,
November 19, 2002

Part VII

The President

Executive Order 13276—Delegation of Responsibilities Concerning Undocumented Aliens Interdicted or Intercepted in the Caribbean Region

Federal Register
Vol. 67, No. 223
Tuesday, November 19, 2002

Presidential Documents

Title 3—

The President

Executive Order 13276 of November 15, 2002

Delegation of Responsibilities Concerning Undocumented Aliens Interdicted or Intercepted in the Caribbean Region

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(f) and 1185(a)(1)), and section 301 of title 3, United States Code, and in order to delegate appropriate responsibilities to Federal agencies for responding to migration of undocumented aliens in the Caribbean region, it is hereby ordered:

Section 1. *Duties and Authorities of Agency Heads.* Consistent with applicable law,

(a)(i) The Attorney General may maintain custody, at any location he deems appropriate, of any undocumented aliens he has reason to believe are seeking to enter the United States and who are interdicted or intercepted in the Caribbean region. In this regard, the Attorney General shall provide and operate a facility, or facilities, to house and provide for the needs of any such aliens. Such a facility may be located at Guantanamo Bay Naval Base or any other appropriate location.

(ii) The Attorney General may conduct any screening of such aliens that he deems appropriate, including screening to determine whether such aliens should be returned to their country of origin or transit, or whether they are persons in need of protection who should not be returned without their consent. If the Attorney General institutes such screening, then until a determination is made, the Attorney General shall provide for the custody, care, safety, transportation, and other needs of the aliens. The Attorney General shall continue to provide for the custody, care, safety, transportation, and other needs of aliens who are determined not to be persons in need of protection until such time as they are returned to their country of origin or transit.

(b) The Secretary of State shall provide for the custody, care, safety, transportation, and other needs of undocumented aliens interdicted or intercepted in the Caribbean region whom the Attorney General has identified as persons in need of protection. The Secretary of State shall provide for and execute a process for resettling such persons in need of protection, as appropriate, in countries other than their country of origin, and shall also undertake such diplomatic efforts as may be necessary to address the problem of illegal migration of aliens in the Caribbean region and to facilitate the return of those aliens who are determined not to be persons in need of protection.

(c)(i) The Secretary of Defense shall make available to the Attorney General and the Secretary of State, for the housing and care of any undocumented aliens interdicted or intercepted in the Caribbean region and taken into their custody, any facilities at Guantanamo Bay Naval Base that are excess to current military needs and the provision of which does not interfere with the operation and security of the base. The Secretary of Defense shall be responsible for providing access to such facilities and perimeter security. The Attorney General and the Secretary of State, respectively, shall be responsible for reimbursement for necessary supporting utilities.

(ii) In the event of a mass migration in the Caribbean region, the Secretary of Defense shall provide support to the Attorney General and the Secretary

of State in carrying out the duties described in paragraphs (a) and (b) of this section regarding the custody, care, safety, transportation, and other needs of the aliens, and shall assume primary responsibility for these duties on a nonreimbursable basis as necessary to contain the threat to national security posed by the migration. The Secretary of Defense shall also provide support to the Coast Guard in carrying out the duties described in Executive Order 12807 of May 24, 1992, regarding interdiction of migrants.

Sec. 2. *Definitions.* For purposes of this order, the term ''mass migration'' means a migration of undocumented aliens that is of such magnitude and duration that it poses a threat to the national security of the United States, as determined by the President.

Sec. 3. *Scope.*

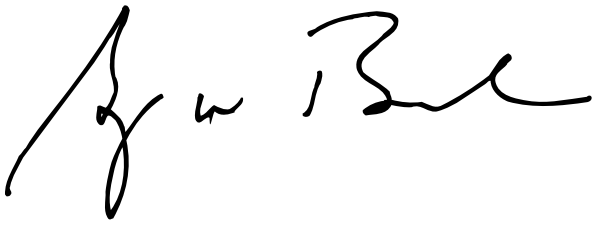
(a) Nothing in this order shall be construed to impair or otherwise affect the authorities and responsibilities set forth in Executive Order 12807 of May 24, 1992.

(b) Nothing in this order shall be construed to make reviewable in any judicial or administrative proceeding, or otherwise, any action, omission, or matter that otherwise would not be reviewable.

(c) This order is intended only to improve the management of the executive branch. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity or otherwise against the United States, its departments, agencies, entities, instrumentalities, officers, employees, or any other person.

(d) Any agency assigned any duties by this order may use the provisions of the Economy Act, 31 U.S.C. 1535 and 1536, to carry out such duties, to the extent permitted by such Act.

(e) This order shall not be construed to require any procedure to determine whether a person is a refugee or otherwise in need of protection.



THE WHITE HOUSE,
November 15, 2002.

[FR Doc. 02–29580
Filed 11–18–02; 11:24 am]
Billing code 3195–01–P

Executive Order 13277

Delegation of Certain Authorities and Assignment of Certain Functions Under the Trade Act of 2002

Signed: November 19, 2002

Federal Register page and date: 67 FR 70305, November 21, 2002

Amends: EO 11846, March 27, 1975

Amended by: EO 13346, July 8, 2004

Federal Register

Thursday,
November 21, 2002

Part II

The President

Executive Order 13277—Delegation of Certain Authorities and Assignment of Certain Functions Under the Trade Act of 2002

Federal Register
Vol. 67, No. 225
Thursday, November 21, 2002

Presidential Documents

Title 3—

The President

Executive Order 13277 of November 19, 2002

Delegation of Certain Authorities and Assignment of Certain Functions Under the Trade Act of 2002

By the authority vested in me as President by the Constitution and the laws of the United States, including the Trade Act of 2002 (the ''Act'') (Public Law 107–210) and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. *Trade Promotion.* (a) Except as provided in subsections (b) and (c) of this section, the authorities granted to and functions specifically assigned to the President under Division B of the Act are delegated and assigned, respectively, to the United States Trade Representative (U.S. Trade Representative).

(b) The exercise of the following authorities of, and functions specifically assigned to the President, under Division B of the Act are reserved to the President:

(1) Section 2102(c)(1), (c)(6), (c)(10) and (e) of the Act;

(2) Section 2103(a)(1), (a)(4), (a)(6), b(1), (c)(1)(B)(i), and (c)(2) of the Act;

(3) Section 2105(a)(1) of the Act; and

(4) Section 2108(b) of the Act.

(c) (i) The Secretary of State, in consultation with the Secretary of Labor and the U.S. Trade Representative, shall carry out the functions of section 2102(c)(2) of the Act with respect to establishing consultative mechanisms. The U.S. Trade Representative, in consultation with the Secretary of State and the Secretary of Labor, shall carry out the reporting function under section 2102(c)(2).

(ii) The Secretary of State, in consultation with the U.S. Trade Representative, shall carry out the functions under section 2102(c)(3) of the Act with respect to establishing consultative mechanisms, with the advice and assistance of the Secretary of the Interior, the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency, the Secretary of Commerce and, as the Secretary of State determines appropriate, the heads of such other departments and agencies. The U.S. Trade Representative, in consultation with the Secretary of State, shall carry out the reporting function under section 2103(c)(3).

(iii) The U.S. Trade Representative shall carry out the functions under section 2102(c)(5) of the Act. The U.S. Trade Representative shall, in consultation with the Secretary of Labor, carry out the reporting function and the function of making a report available under section 2102(c)(5).

(iv) The Secretary of Labor shall carry out section 2102(c)(7) of the Act, in consultation with the Secretary of State.

(v) The Secretary of Labor, in consultation with the Secretary of State and the U.S. Trade Representative, shall carry out the functions under section 2102(c)(8) and (c)(9).

(vi) The Secretary of the Treasury shall carry out section 2102(c)(12) of the Act, including any appropriate consultations with the Congress relating thereto.

Sec. 2. *Andean Trade.* (a) Except as provided in subsection (b) of this section, the authorities granted and the functions specifically assigned to

the President under Division C of the Act are delegated and assigned respectively, to the U.S. Trade Representative, in consultation with the Secretaries of State, Commerce, the Treasury, and Labor.

(b) The exercise of the following authorities of, and functions specifically assigned to, the President under Division C of the Act are reserved to the President:

(i) The authority to proclaim under sections 204(b)(1) and 204(b)(3)(B)(ii), and the authority to designate beneficiary countries under section 204(b)(6)(B), of the Andean Trade Preference Act as amended by section 3103(a)(2) of the Act; and

(ii) The authority to make determinations under section 203(e)(1)(B) of the Andean Trade Preference Act as amended by section 3103(b) of the Act.

(c) The head of the executive department of which the United States Customs Service is a part shall take such actions to carry out determinations and actions pursuant to the Andean Trade Preference Act, as amended, as directed pursuant to the authority delegated to the U.S. Trade Representative under this order.

Sec. 3. *Guidance for Exercising Authority and Performing Duties.* (a) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) In exercising authority delegated by, or performing functions assigned in, this order, and in performing duties related to the trade agreements program as defined in Executive Order 11846, officers of the United States:

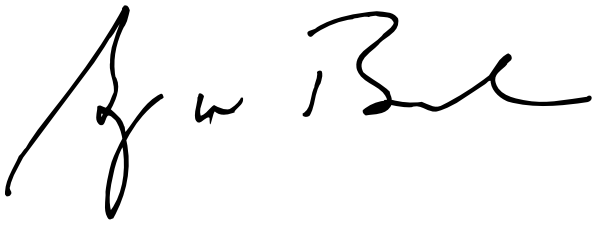
(i) Shall ensure that all actions taken by them are consistent with the President's constitutional authority to (A) conduct the foreign affairs of the United States, including the commencement, conduct, and termination of negotiations with foreign countries and international organizations, (B) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties, (C) recommend for congressional consideration such measures as the President may judge necessary or expedient, and (D) supervise the unitary executive branch;

(ii) May redelegate authority delegated by this order and may further assign functions assigned by this order to officers of any other department or agency within the executive branch to the extent permitted by law and such redelegation or further assignment shall be published in the **Federal Register**; and

(iii) Shall consult the Attorney General as appropriate in implementing this subsection.

Sec. 4. *Amendment to Executive Order 11846.* Section 1 of Executive Order 11846 of March 27, 1975, as amended, is further amended by inserting '', Divisions B and C of the Trade Act of 2002,'' after ''Trade Expansion Act of 1962, as amended''.

Sec. 5. *Judicial Review.* This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.



THE WHITE HOUSE,
November 19, 2002.

[FR Doc. 02–29832
Filed 11–20–02; 8:50 am]
Billing code 3195–01–P

Executive Order 13278
President's Commission on the United States Postal Service

Signed: December 11, 2002
Federal Register page and date: 67 FR 76671, December 13, 2002
Revoked by: EO 13316, September 17, 2003

Federal Register
Vol. 67, No. 240
Friday, December 13, 2002

Presidential Documents

Title 3—

The President

Executive Order 13278 of December 11, 2002

President's Commission on the United States Postal Service

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to ensure the efficient operation of the United States Postal Service while minimizing the financial exposure of the American taxpayers, it is hereby ordered as follows:

Section 1. *Establishment.* There is established the President's Commission on the United States Postal Service (Commission).

Sec. 2. *Membership.* Commission shall be composed of nine members appointed by the President. The President shall designate two members of the Commission to serve as Co-Chairs.

Sec. 3. *Mission.* (a) The mission of the Commission shall be to examine the state of the United States Postal Service, and to prepare and submit to the President a report articulating a proposed vision for the future of the United States Postal Service and recommending the legislative and administrative reforms needed to ensure the viability of postal services.

(b) In fulfilling its mission, the Commission shall consider the following issues and such other issues relating to the Postal Service as the Commission determines appropriate:

(i) the role of the Postal Service in the 21st century and beyond;

(ii) the flexibility that the Postal Service should have to change prices, control costs, and adjust service in response to financial, competitive, or market pressures;

(iii) the rigidities in cost or service that limit the efficiency of the postal system;

(iv) the ability of the Postal Service, over the long term, to maintain universal mail delivery at affordable rates and cover its unfunded liabilities with minimum exposure to the American taxpayers;

(v) the extent to which postal monopoly restrictions continue to advance the public interest under evolving market conditions, and the extent to which the Postal Service competes with private sector services; and

(vi) the most appropriate governance and oversight structure for the Postal Service.

Sec. 4. *Administration.* (a) The Department of the Treasury or any organizational entity subject to the direction of the Secretary of the Treasury shall, to the extent permitted by law, provide administrative support and funding for the Commission. The Commission is established within the Department of the Treasury for administrative purposes only.

(b) Members of the Commission shall serve without any compensation for their work on the Commission. Members appointed from among private citizens of the United States, however, while engaged in the work of the Commission, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707), to the extent funds are available.

(c) The Commission shall have a staff headed by an Executive Director.

(d) The Commission, with the concurrence of the Secretary of the Treasury, may establish subcommittees, consisting of Commission members, as appropriate, to aid in its work.

(e) Consistent with such guidance as the President or, on the President's behalf, the Secretary of the Treasury, may provide, the Commission shall exchange information with and obtain advice from Members of Congress; Federal, State, local, and tribal officials; commercial, nonprofit, and residential users of the United States Postal Service; and others, as appropriate, including through public hearings.

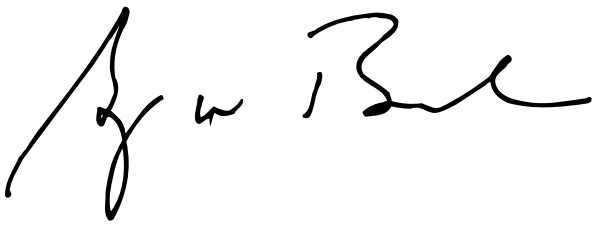
(f) Insofar as the Federal Advisory Committee Act, as amended, may apply to the Commission, any functions of the President under that Act, except for those in section 6 of that Act, shall be performed by the Secretary of the Treasury, in accordance with the guidelines that have been issued by the Administrator of General Services.

(g) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

Sec. 5. *Report.* The Commission shall submit its report, consistent with its mission set forth in section 3 of this order, to the President, through the Secretary of the Treasury, not later than July 31, 2003.

Sec. 6. *General Provisions.* (a) This order is intended only to improve the internal management of the Federal Government and it is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

(b) The Commission shall terminate 30 days after submitting its report and in no event later than August 30, 2003.



THE WHITE HOUSE,
December 11, 2002.

[FR Doc. 02–31624
Filed 12–12–02; 8:45 am]
Billing code 3195–01–P

Executive Order 13279
Equal Protection of the Laws for Faith-Based and Community Organizations

Signed: December 12, 2002
Federal Register page and date: 67 FR 77141, December 16, 2002
Amends: EO 11246, September 24, 1965

Federal Register

Monday,
December 16, 2002

Part III

The President

Executive Order 13279—Equal Protection of the Laws for Faith-Based and Community Organizations

Executive Order 13280—Responsibilities of the Department of Agriculture and the Agency for International Development With Respect to Faith-Based and Community Initiatives

Federal Register
Vol. 67, No. 241
Monday, December 16, 2002

Presidential Documents

Title 3—

The President

Executive Order 13279 of December 12, 2002

Equal Protection of the Laws for Faith-Based and Community Organizations

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 121(a) of title 40, United States Code, and section 301 of title 3, United States Code, and in order to guide Federal agencies in formulating and developing policies with implications for faith-based organizations and other community organizations, to ensure equal protection of the laws for faith-based and community organizations, to further the national effort to expand opportunities for, and strengthen the capacity of, faith-based and other community organizations so that they may better meet social needs in America's communities, and to ensure the economical and efficient administration and completion of Government contracts, it is hereby ordered as follows:

Section 1. *Definitions*. For purposes of this order:

(a) ''Federal financial assistance'' means assistance that non-Federal entities receive or administer in the form of grants, contracts, loans, loan guarantees, property, cooperative agreements, food commodities, direct appropriations, or other assistance, but does not include a tax credit, deduction, or exemption.

(b) ''Social service program'' means a program that is administered by the Federal Government, or by a State or local government using Federal financial assistance, and that provides services directed at reducing poverty, improving opportunities for low-income children, revitalizing low-income communities, empowering low-income families and low-income individuals to become self-sufficient, or otherwise helping people in need. Such programs include, but are not limited to, the following:

(i) child care services, protective services for children and adults, services for children and adults in foster care, adoption services, services related to the management and maintenance of the home, day care services for adults, and services to meet the special needs of children, older individuals, and individuals with disabilities (including physical, mental, or emotional disabilities);

(ii) transportation services;

(iii) job training and related services, and employment services;

(iv) information, referral, and counseling services;

(v) the preparation and delivery of meals and services related to soup kitchens or food banks;

(vi) health support services;

(vii) literacy and mentoring programs;

(viii) services for the prevention and treatment of juvenile delinquency and substance abuse, services for the prevention of crime and the provision of assistance to the victims and the families of criminal offenders, and services related to intervention in, and prevention of, domestic violence; and

(ix) services related to the provision of assistance for housing under Federal law.

(c) ''Policies that have implications for faith-based and community organizations'' refers to all policies, programs, and regulations, including official

guidance and internal agency procedures, that have significant effects on faith-based organizations participating in or seeking to participate in social service programs supported with Federal financial assistance.

(d) ''Agency'' means a department or agency in the executive branch.

(e) ''Specified agency heads'' mean the Attorney General, the Secretaries of Agriculture, Education, Health and Human Services, Housing and Urban Development, and Labor, and the Administrator of the Agency for International Development.

Sec. 2. *Fundamental Principles and Policymaking Criteria.*

In formulating and implementing policies that have implications for faith-based and community organizations, agencies that administer social service programs supported with Federal financial assistance shall, to the extent permitted by law, be guided by the following fundamental principles:

(a) Federal financial assistance for social service programs should be distributed in the most effective and efficient manner possible;

(b) The Nation's social service capacity will benefit if all eligible organizations, including faith-based and other community organizations, are able to compete on an equal footing for Federal financial assistance used to support social service programs;

(c) No organization should be discriminated against on the basis of religion or religious belief in the administration or distribution of Federal financial assistance under social service programs;

(d) All organizations that receive Federal financial assistance under social services programs should be prohibited from discriminating against beneficiaries or potential beneficiaries of the social services programs on the basis of religion or religious belief. Accordingly, organizations, in providing services supported in whole or in part with Federal financial assistance, and in their outreach activities related to such services, should not be allowed to discriminate against current or prospective program beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice;

(e) The Federal Government must implement Federal programs in accordance with the Establishment Clause and the Free Exercise Clause of the First Amendment to the Constitution. Therefore, organizations that engage in inherently religious activities, such as worship, religious instruction, and proselytization, must offer those services separately in time or location from any programs or services supported with direct Federal financial assistance, and participation in any such inherently religious activities must be voluntary for the beneficiaries of the social service program supported with such Federal financial assistance; and

(f) Consistent with the Free Exercise Clause and the Free Speech Clause of the Constitution, faith-based organizations should be eligible to compete for Federal financial assistance used to support social service programs and to participate fully in the social service programs supported with Federal financial assistance without impairing their independence, autonomy, expression, or religious character. Accordingly, a faith-based organization that applies for or participates in a social service program supported with Federal financial assistance may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use direct Federal financial assistance to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations that receive Federal financial assistance may use their facilities to provide social services supported with Federal financial assistance, without removing or altering religious art, icons, scriptures, or other symbols from these facilities. In addition, a faith-based organization that applies for or participates in a social service program supported with Federal financial assistance may retain religious terms in its organization's name,

select its board members on a religious basis, and include religious references in its organization's mission statements and other chartering or governing documents.

Sec. 3. *Agency Implementation.*

(a) Specified agency heads shall, in coordination with the White House Office of Faith-Based and Community Initiatives (White House OFBCI), review and evaluate existing policies that have implications for faith-based and community organizations in order to assess the consistency of such policies with the fundamental principles and policymaking criteria articulated in section 2 of this order.

(b) Specified agency heads shall ensure that all policies that have implications for faith-based and community organizations are consistent with the fundamental principles and policymaking criteria articulated in section 2 of this order. Therefore, specified agency heads shall, to the extent permitted by law:

(i) amend all such existing policies of their respective agencies to ensure that they are consistent with the fundamental principles and policymaking criteria articulated in section 2 of this order;

(ii) where appropriate, implement new policies for their respective agencies that are consistent with and necessary to further the fundamental principles and policymaking criteria set forth in section 2 of this order; and

(iii) implement new policies that are necessary to ensure that their respective agencies collect data regarding the participation of faith-based and community organizations in social service programs that receive Federal financial assistance.

(c) Within 90 days after the date of this order, each specified agency head shall report to the President, through the Director of the White House OFBCI, the actions it proposes to undertake to accomplish the activities set forth in sections 3(a) and (b) of this order.

Sec. 4. *Amendment of Executive Order 11246.*

Pursuant to section 121(a) of title 40, United States Code, and section 301 of title 3, United States Code, and in order to further the strong Federal interest in ensuring that the cost and progress of Federal procurement contracts are not adversely affected by an artificial restriction of the labor pool caused by the unwarranted exclusion of faith-based organizations from such contracts, section 204 of Executive Order 11246 of September 24, 1965, as amended, is hereby further amended to read as follows:

''SEC. 204 (a) The Secretary of Labor may, when the Secretary deems that special circumstances in the national interest so require, exempt a contracting agency from the requirement of including any or all of the provisions of Section 202 of this Order in any specific contract, subcontract, or purchase order.

(b) The Secretary of Labor may, by rule or regulation, exempt certain classes of contracts, subcontracts, or purchase orders (1) whenever work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (2) for standard commercial supplies or raw materials; (3) involving less than specified amounts of money or specified numbers of workers; or (4) to the extent that they involve subcontracts below a specified tier.

(c) Section 202 of this Order shall not apply to a Government contractor or subcontractor that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such contractors and subcontractors are not exempted or excused from complying with the other requirements contained in this Order.

(d) The Secretary of Labor may also provide, by rule, regulation, or order, for the exemption of facilities of a contractor that are in all respects separate

and distinct from activities of the contractor related to the performance of the contract: provided, that such an exemption will not interfere with or impede the effectuation of the purposes of this Order: and provided further, that in the absence of such an exemption all facilities shall be covered by the provisions of this Order.''

Sec. 5. *General Provisions.*

(a) This order supplements but does not supersede the requirements contained in Executive Orders 13198 and 13199 of January 29, 2001.

(b) The agencies shall coordinate with the White House OFBCI concerning the implementation of this order.

(c) Nothing in this order shall be construed to require an agency to take any action that would impair the conduct of foreign affairs or the national security.

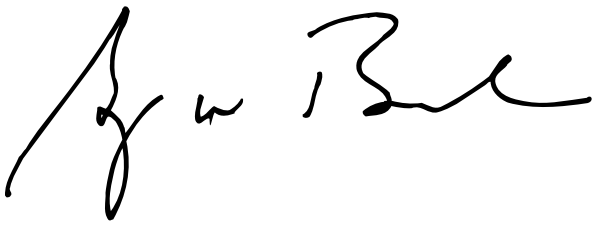
Sec. 6. *Responsibilities of Executive Departments and Agencies.* All executive departments and agencies (agencies) shall:

(a) designate an agency employee to serve as the liaison and point of contact with the White House OFBCI; and

(b) cooperate with the White House OFBCI and provide such information, support, and assistance to the White House OFBCI as it may request, to the extent permitted by law.

Sec. 7. *Judicial Review.*

This order is intended only to improve the internal management of the executive branch, and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, or entities, its officers, employees or agents, or any person.



THE WHITE HOUSE,
December 12, 2002.

[FR Doc. 02–31831
Filed 12–13–02; 12:09 pm]
Billing code 3195–01–P

Executive Order 13280

Responsibilities of the Department of Agriculture and the Agency for International Development With Respect to Faith-Based and Community Initiatives

Signed: December 12, 2002

Federal Register page and date: 67 FR 77145, December 16, 2002

Presidential Documents

Executive Order 13280 of December 12, 2002

Responsibilities of the Department of Agriculture and the Agency for International Development With Respect to Faith-Based and Community Initiatives

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to help the Federal Government coordinate a national effort to expand opportunities for faith-based and other community organizations and to strengthen their capacity to better meet social needs in America's communities, it is hereby ordered as follows:

Section 1. *Establishment of Centers for Faith-Based and Community Initiatives at the Department of Agriculture and the Agency for International Development.* (a) The Secretary of Agriculture and the Administrator of the Agency for International Development shall each establish within their respective agencies a Center for Faith-Based and Community Initiatives (Center).

(b) Each of these Centers shall be supervised by a Director, appointed by the agency head in consultation with the White House Office of Faith-Based and Community Initiatives (White House OFBCI).

(c) Each agency shall provide its Center with appropriate staff, administrative support, and other resources to meet its responsibilities under this order.

(d) Each Center shall begin operations no later than 45 days from the date of this order.

Sec. 2. *Purpose of Executive Branch Centers for Faith-Based and Community Initiatives.* The purpose of the agency Centers will be to coordinate agency efforts to eliminate regulatory, contracting, and other programmatic obstacles to the participation of faith-based and other community organizations in the provision of social services.

Sec. 3. *Responsibilities of the Centers for Faith-Based and Community Initiatives.* Each Center shall, to the extent permitted by law:

(a) conduct, in coordination with the White House OFBCI, an agency-wide audit to identify all existing barriers to the participation of faith-based and other community organizations in the delivery of social services by the agency, including but not limited to regulations, rules, orders, procurement, and other internal policies and practices, and outreach activities that either facially discriminate against or otherwise discourage or disadvantage the participation of faith-based and other community organizations in Federal programs;

(b) coordinate a comprehensive agency effort to incorporate faith-based and other community organizations in agency programs and initiatives to the greatest extent possible;

(c) propose initiatives to remove barriers identified pursuant to section 3(a) of this order, including but not limited to reform of regulations, procurement, and other internal policies and practices, and outreach activities;

(d) propose the development of innovative pilot and demonstration programs to increase the participation of faith- based and other community organizations in Federal as well as State and local initiatives; and

(e) develop and coordinate agency outreach efforts to disseminate information more effectively to faith-based and other community organizations with respect to programming changes, contracting opportunities, and other agency initiatives, including but not limited to Web and Internet resources.

Sec. 4. *Reporting Requirements.*

(a) *Report.* Not later than 180 days from the date of this order and annually thereafter, each of the two Centers described in section 1 of this order shall prepare and submit a report to the White House OFBCI.

(b) *Contents.* The report shall include a description of the agency's efforts in carrying out its responsibilities under this order, including but not limited to:

(i) a comprehensive analysis of the barriers to the full participation of faith-based and other community organizations in the delivery of social services identified pursuant to section 3(a) of this order and the proposed strategies to eliminate those barriers; and

(ii) a summary of the technical assistance and other information that will be available to faith-based and other community organizations regarding the program activities of the agency and the preparation of applications or proposals for grants, cooperative agreements, contracts, and procurement.

(c) *Performance Indicators.* The first report, filed 180 days after the date of this order, shall include annual performance indicators and measurable objectives for agency action. Each report filed thereafter shall measure the agency's performance against the objectives set forth in the initial report.

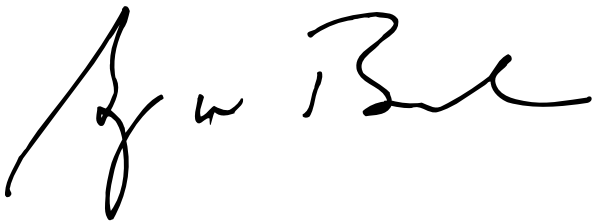
Sec. 5. *Responsibilities of the Secretary of Agriculture and the Administrator of the Agency for International Development.* The Secretary and the Administrator shall:

(a) designate an employee within their respective agencies to serve as the liaison and point of contact with the White House OFBCI; and

(b) cooperate with the White House OFBCI and provide such information, support, and assistance to the White House OFBCI as it may request, to the extent permitted by law.

Sec. 6. *Administration and Judicial Review.* (a) The agency actions directed by this executive order shall be carried out subject to the availability of appropriations and to the extent permitted by law.

(b) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, or entities, its officers, employees or agents, or any other person.



THE WHITE HOUSE,
December 12, 2002.

[FR Doc. 02–31832
Filed 12–12–02; 12:09 pm]
Billing code 3195–01–P

Executive Order 13281

Half-Day Closing of Executive Departments and Agencies of the Federal Government on Tuesday, December 24, 2002

Signed: December 19, 2002

Federal Register page and date: 67 FR 78319, December 23, 2002

Federal Register

Monday,
December 23, 2002

Part III

The President

Executive Order 13281—Half-Day Closing of Executive Departments and Agencies of the Federal Government on Tuesday, December 24, 2002

Federal Register
Vol. 67, No. 246
Monday, December 23, 2002

Presidential Documents

Title 3—

The President

Executive Order 13281 of December 19, 2002

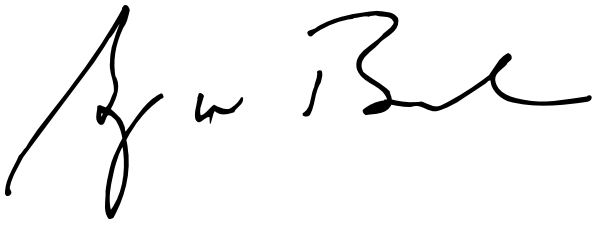
Half-Day Closing of Executive Departments and Agencies of the Federal Government on Tuesday, December 24, 2002

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. All executive branch departments and agencies of the Federal Government shall be closed and their employees excused from duty for the last half of the scheduled workday on Tuesday, December 24, 2002, the day before Christmas Day, except as provided in section 2 below.

Sec. 2. The heads of executive branch departments and agencies may determine that certain offices and installations of their organizations, or parts thereof, must remain open and that certain employees must report for duty for the full scheduled workday on December 24, 2002, for reasons of national security or defense or other public reasons.

Sec. 3. Tuesday, December 24, 2002, shall be considered as falling within the scope of Executive Order 11582 of February 11, 1971, and of 5 U.S.C. 5546 and 6103(b) and other similar statutes insofar as they relate to the pay and leave of employees of the United States.



THE WHITE HOUSE,
December 19, 2002.

[FR Doc. 02–32518
Filed 12–20–02; 11:04 am]
Billing code 3195–01–P

Executive Order 13282
Adjustments of Certain Rates of Pay

Signed: December 31, 2002
Federal Register page and date: 68 FR 1133, January 8, 2003
Superseded by: EO 13322, December 30, 2003

Federal Register

Wednesday,
January 8, 2003

Part IV

The President

Executive Order 13282—Adjustments of Certain Rates of Pay

Federal Register
Vol. 68, No. 5
Wednesday, January 8, 2003

Presidential Documents

Title 3—

The President

Executive Order 13282 of December 31, 2002

Adjustments of Certain Rates of Pay

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the laws cited herein, it is hereby ordered as follows:

Section 1. *Statutory Pay Systems.* The rates of basic pay or salaries of the statutory pay systems (as defined in 5 U.S.C. 5302(1)), as adjusted under 5 U.S.C. 5303(a), are set forth on the schedules attached hereto and made a part hereof:

(a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1;

(b) The Foreign Service Schedule (22 U.S.C. 3963) at Schedule 2; and

(c) The schedules for the Veterans Health Administration of the Department of Veterans Affairs (38 U.S.C. 7306, 7404; section 301(a) of Public Law 102–40) at Schedule 3.

Sec. 2. *Senior Executive Service.* The rates of basic pay for senior executives in the Senior Executive Service, as adjusted under 5 U.S.C. 5382, are set forth on Schedule 4 attached hereto and made a part hereof.

Sec. 3. *Executive Salaries.* The rates of basic pay or salaries for the following offices and positions are set forth on the schedules attached hereto and made a part hereof:

(a) The Executive Schedule (5 U.S.C. 5311–5318) at Schedule 5;

(b) The Vice President (3 U.S.C. 104) and the Congress (2 U.S.C. 31) at Schedule 6; and

(c) Justices and judges (28 U.S.C. 5, 44(d), 135, 252, and 461(a), and section 140 of Public Law 97–92) at Schedule 7.

Sec. 4. *Uniformed Services.* Pursuant to section 601(a)-(b) of Public Law 107–314, the rates of monthly basic pay (37 U.S.C. 203(a)) for members of the uniformed services and the rate of monthly cadet or midshipman pay (37 U.S.C. 203(c)) are set forth on Schedule 8 attached hereto and made a part hereof.

Sec. 5. *Locality-Based Comparability Payments.*

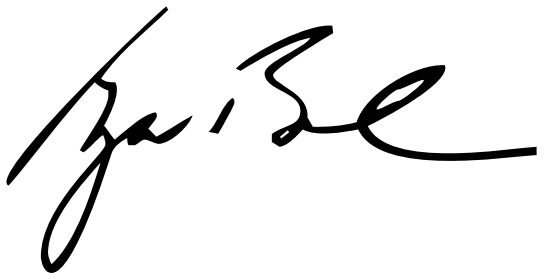
(a) Pursuant to sections 5304 and 5304a of title 5, United States Code, locality-based comparability payments shall be paid in accordance with Schedule 9 attached hereto and made a part hereof.

(b) The Director of the Office of Personnel Management shall take such actions as may be necessary to implement these payments and to publish appropriate notice of such payments in the **Federal Register**.

Sec. 6. *Administrative Law Judges.* The rates of basic pay for administrative law judges, as adjusted under 5 U.S.C. 5372(b)(4), are set forth on Schedule 10 attached hereto and made a part hereof.

Sec. 7. *Effective Dates.* Schedule 8 is effective on January 1, 2003. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2003.

Sec. 8. *Prior Order Superseded.* Executive Order 13249 of December 28, 2001, is superseded.



THE WHITE HOUSE,
December 31, 2002.

Billing code 3195–01–P

SCHEDULE 1--GENERAL SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2003)

	1	2	3	4	5	6	7	8	9	10
GS-1	$15,214	$15,722	$16,228	$16,731	$17,238	$17,536	$18,034	$18,538	$18,559	$19,031
GS-2	17,106	17,512	18,079	18,559	18,767	19,319	19,871	20,423	20,975	21,527
GS-3	18,664	19,286	19,908	20,530	21,152	21,774	22,396	23,018	23,640	24,262
GS-4	20,952	21,650	22,348	23,046	23,744	24,442	25,140	25,838	26,536	27,234
GS-5	23,442	24,223	25,004	25,785	26,566	27,347	28,128	28,909	29,690	30,471
GS-6	26,130	27,001	27,872	28,743	29,614	30,485	31,356	32,227	33,098	33,969
GS-7	29,037	30,005	30,973	31,941	32,909	33,877	34,845	35,813	36,781	37,749
GS-8	32,158	33,230	34,302	35,374	36,446	37,518	38,590	39,662	40,734	41,806
GS-9	35,519	36,703	37,887	39,071	40,255	41,439	42,623	43,807	44,991	46,175
GS-10	39,115	40,419	41,723	43,027	44,331	45,635	46,939	48,243	49,547	50,851
GS-11	42,976	44,409	45,842	47,275	48,708	50,141	51,574	53,007	54,440	55,873
GS-12	51,508	53,225	54,942	56,659	58,376	60,093	61,810	63,527	65,244	66,961
GS-13	61,251	63,293	65,335	67,377	69,419	71,461	73,503	75,545	77,587	79,629
GS-14	72,381	74,794	77,207	79,620	82,033	84,446	86,859	89,272	91,685	94,098
GS-15	85,140	87,978	90,816	93,654	96,492	99,330	102,168	105,006	107,844	110,682

SCHEDULE 2--FOREIGN SERVICE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2003)

Step	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9
1	$85,140	$68,988	$55,901	$45,296	$36,703	$32,811	$29,332	$26,222	$23,442
2	87,694	71,058	57,578	46,655	37,804	33,795	30,212	27,009	24,145
3	90,325	73,189	59,305	48,055	38,938	34,809	31,118	27,819	24,870
4	93,035	75,385	61,085	49,496	40,106	35,853	32,052	28,653	25,616
5	95,826	77,647	62,917	50,981	41,310	36,929	33,013	29,513	26,384
6	98,701	79,976	64,805	52,510	42,549	38,037	34,004	30,398	27,176
7	101,662	82,375	66,749	54,086	43,825	39,178	35,024	31,310	27,991
8	104,711	84,847	68,751	55,708	45,140	40,353	36,075	32,250	28,831
9	107,853	87,392	70,814	57,380	46,494	41,564	37,157	33,217	29,696
10	110,682	90,014	72,938	59,101	47,889	42,811	38,272	34,214	30,586
11	110,682	92,714	75,126	60,874	49,326	44,095	39,420	35,240	31,504
12	110,682	95,496	77,380	62,700	50,806	45,418	40,602	36,297	32,449
13	110,682	98,360	79,701	64,581	52,330	46,781	41,820	37,386	33,423
14	110,682	101,311	82,093	66,519	53,900	48,184	43,075	38,508	34,425

SCHEDULE 3--VETERANS HEALTH ADMINISTRATION SCHEDULES
DEPARTMENT OF VETERANS AFFAIRS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2003)

Schedule for the Office of the Under Secretary for Health
(38 U.S.C. 7306)*

Deputy Under Secretary for Health	$144,591 **
Associate Deputy Under Secretary for Health	138,491 ***
Assistant Under Secretaries for Health	134,408 ***

	Minimum	Maximum	
Medical Directors	$114,678	$129,972	***
Service Directors	99,853	124,011	
Director, National Center for Preventive Health	85,140	124,011	

Physician and Dentist Schedule

Director Grade	$99,853	$124,011
Executive Grade	92,204	117,511
Chief Grade	85,140	110,682
Senior Grade	72,381	94,098
Intermediate Grade	61,251	79,629
Full Grade	51,508	66,961
Associate Grade	42,976	55,873

Clinical Podiatrist and Optometrist Schedule

Chief Grade	$85,140	$110,682
Senior Grade	72,381	94,098
Intermediate Grade	61,251	79,629
Full Grade	51,508	66,961
Associate Grade	42,976	55,873

Physician Assistant and Expanded-Function Dental Auxiliary Schedule ****

Director Grade	$85,140	$110,682
Assistant Director Grade	72,381	94,098
Chief Grade	61,251	79,629
Senior Grade	51,508	66,961
Intermediate Grade	42,976	55,873
Full Grade	35,519	46,175
Associate Grade	30,565	39,736
Junior Grade	26,130	33,969

* This schedule does not apply to the Assistant Under Secretary for Nursing Programs or the Director of Nursing Services. Pay for these positions is set by the Under Secretary for Health under 38 U.S.C. 7451.

** Pursuant to section 7404(d)(1) of title 38, United States Code, the rate of basic pay payable to this employee is limited to the rate for level IV of the Executive Schedule, which is $134,000.

*** Pursuant to section 7404(d)(2) of title 38, United States Code, the rate of basic pay payable to these employees is limited to the rate for level V of the Executive Schedule, which is $125,400.

**** Pursuant to section 301(a) of Public Law 102-40, these positions are paid according to the Nurse Schedule in 38 U.S.C. 4107(b) as in effect on August 14, 1990, with subsequent adjustments.

SCHEDULE 4--SENIOR EXECUTIVE SERVICE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2003)

ES-1	$116,500
ES-2	122,000
ES-3	127,500
ES-4	133,800
ES-5	134,000
ES-6	134,000

SCHEDULE 5--EXECUTIVE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2003)

level I	$171,900
level II	154,700
level III	142,500
level IV	134,000
level V	125,400

SCHEDULE 6--VICE PRESIDENT AND MEMBERS OF CONGRESS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2003)

Vice President	$198,600
Senators	154,700
Members of the House of Representatives	154,700
Delegates to the House of Representatives	154,700
Resident Commissioner from Puerto Rico	154,700
President pro tempore of the Senate	171,900
Majority leader and minority leader of the Senate	171,900
Majority leader and minority leader of the House of Representatives	171,900
Speaker of the House of Representatives	198,600

SCHEDULE 7--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2003)

Chief Justice of the United States	$192,600
Associate Justices of the Supreme Court	184,400
Circuit Judges	159,100
District Judges	150,000
Judges of the Court of International Trade	150,000

SCHEDULE 8–PAY OF THE UNIFORMED SERVICES
(Effective on January 1, 2003)

Part I–MONTHLY BASIC PAY

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
COMMISSIONED OFFICERS															
O-10 **	-	-	-	-	-	-	-	-	-	-	-	$12,077.70*	$12,137.10*	$12,389.40*	$12,829.20*
O-9	-	-	-	-	-	-	-	-	-	-	-	10,563.60	10,715.70	10,935.60	11,319.60
O-8	$7,474.50	$7,719.30	$7,881.60	$7,927.20	$8,129.40	$8,468.70	$8,547.30	$8,868.90	$8,961.30	$9,238.20	$9,639.00	10,008.90	10,255.80	10,255.80	10,255.80
O-7	6,210.90	6,499.20	6,633.00	6,739.20	6,930.90	7,120.80	7,340.40	7,559.40	7,779.00	8,468.70	9,051.30	9,051.30	9,051.30	9,051.30	9,096.90
O-6	4,603.20	5,057.10	5,388.90	5,388.90	5,409.60	5,641.20	5,672.10	5,672.10	5,994.60	6,564.30	6,898.80	7,233.30	7,423.50	7,616.10	7,989.90
O-5	3,837.60	4,323.00	4,622.40	4,678.50	4,864.80	4,977.00	5,222.70	5,403.00	5,635.50	5,991.90	6,161.70	6,329.10	6,519.60	6,519.60	6,519.60
O-4	3,311.10	3,832.80	4,088.70	4,145.70	4,383.00	4,637.70	4,954.50	5,201.40	5,372.70	5,471.10	5,528.40	5,528.40	5,528.40	5,528.40	5,528.40
O-3 ***	2,911.20	3,300.30	3,562.20	3,883.50	4,069.50	4,273.50	4,405.80	4,623.30	4,736.10	4,736.10	4,736.10	4,736.10	4,736.10	4,736.10	4,736.10
O-2 ***	2,515.20	2,864.70	3,299.40	3,410.70	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20
O-1 ***	2,183.70	2,272.50	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80
COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER															
O-3E	-	-	-	$3,883.50	$4,069.50	$4,273.50	$4,405.80	$4,623.30	$4,806.30	$4,911.00	$5,054.40	$5,054.40	$5,054.40	$5,054.40	$5,054.40
O-2E	-	-	-	3,410.70	3,481.20	3,591.90	3,778.80	3,923.40	4,031.10	4,031.10	4,031.10	4,031.10	4,031.10	4,031.10	4,031.10
O-1E	-	-	-	2,746.80	2,933.70	3,042.00	3,152.70	3,261.60	3,410.70	3,410.70	3,410.70	3,410.70	3,410.70	3,410.70	3,410.70

* Basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule, which is $11,874.90 per month.

** For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be $14,155.50 per month, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule, which is $11,874.90 per month.

*** Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

SCHEDULE 8–PAY OF THE UNIFORMED SERVICES (PAGE 2)

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
WARRANT OFFICERS															
W-5	-	-	-	-	-	-	-	-	-	-	-	$5,169.30	$5,346.60	$5,524.50	$5,703.30
W-4	$3,008.10	$3,236.10	$3,329.10	$3,420.60	$3,578.10	$3,733.50	$3,891.00	$4,044.60	$4,203.60	$4,356.00	$4,512.00	4,664.40	4,822.50	4,978.20	5,137.50
W-3	2,747.10	2,862.00	2,979.30	3,017.70	3,141.00	3,281.70	3,467.40	3,580.50	3,771.90	3,915.60	4,058.40	4,201.50	4,266.30	4,407.00	4,548.00
W-2	2,416.50	2,554.50	2,675.10	2,763.00	2,838.30	2,993.10	3,148.50	3,264.00	3,376.50	3,453.90	3,579.90	3,705.90	3,831.00	3,957.30	3,957.30
W-1	2,133.90	2,308.50	2,425.50	2,501.10	2,662.50	2,782.20	2,888.40	3,006.90	3,085.20	3,203.40	3,320.70	3,409.50	3,409.50	3,409.50	3,409.50
ENLISTED MEMBERS															
E-9 *	-	-	-	-	-	-	$3,564.30	$3,645.00	$3,747.00	$3,867.00	$3,987.30	$4,180.80	$4,344.30	$4,506.30	$4,757.40
E-8	-	-	-	-	-	$2,975.40	3,061.20	3,141.30	3,237.60	3,342.00	3,530.10	3,625.50	3,787.50	3,877.50	4,099.20
E-7	$2,068.50	$2,257.80	$2,343.90	$2,428.20	$2,516.40	2,667.90	2,753.40	2,838.30	2,990.40	3,066.30	3,138.60	3,182.70	3,331.50	3,427.80	3,671.40
E-6	1,770.60	1,947.60	2,033.70	2,117.10	2,204.10	2,400.90	2,477.40	2,562.30	2,636.70	2,663.10	2,709.60	2,709.60	2,709.60	2,709.60	2,709.60
E-5	1,625.40	1,733.70	1,817.40	1,903.50	2,037.00	2,151.90	2,236.80	2,283.30	2,283.30	2,283.30	2,283.30	2,283.30	2,283.30	2,283.30	2,283.30
E-4	1,502.70	1,579.80	1,665.30	1,749.30	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00
E-3	1,356.90	1,442.10	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80
E-2	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E-1 **	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80
E-1 ***	1,064.70	-	-	-	-	-	-	-	-	-	-	-	-	-	-

* For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $5,732.70 per month, regardless of cumulative years of service under section 205 of title 37, United States Code.

** Applies to personnel who have served 4 months or more on active duty.

*** Applies to personnel who have served less than 4 months on active duty.

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 3)

Part II-RATE OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by section 203(c) of title 37, United States Code, is $764.40.

Note: As a result of the enactment of sections 602-694 of Public Law 105-85, the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Defense now has the authority to adjust the rates of basic allowances for subsistence and housing. Therefore, these allowances are no longer adjusted by the President in conjunction with the adjustment of basic pay for members of the uniformed services. Accordingly, the tables of allowances included in previous orders are not included here.

SCHEDULE 9--LOCALITY-BASED COMPARABILITY P-

(Effective on the first day of the first a cable pay period beginning on or after Janua , 2003)

Locality Pay Area[1]	Rate
Atlanta, GA	9.74%
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI	13.57%
Chicago-Gary-Kenosha, IL-IN-WI	14.58%
Cincinnati-Hamilton, OH-KY-IN	12.09%
Cleveland-Akron, OH	10.33%
Columbus, OH	10.70%
Dallas-Fort Worth, TX	10.90%
Dayton-Springfield, OH	9.62%
Denver-Boulder-Greeley, CO	13.34%
Detroit-Ann Arbor-Flint, MI	14.71%
Hartford, CT	14.11%
Houston-Galveston-Brazoria, TX	18.61%
Huntsville, AL	9.08%
Indianapolis, IN	8.85%
Kansas City, MO-KS	9.28%
Los Angeles-Riverside-Orange County, CA	16.05%
Miami-Fort Lauderdale, FL	12.45%
Milwaukee-Racine, WI	10.05%
Minneapolis-St. Paul, MN-WI	11.56%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA	15.23%
Orlando, FL	8.67%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD	12.11%
Pittsburgh, PA	9.52%
Portland-Salem, OR-WA	11.64%
Richmond-Petersburg, VA	9.67%
Sacramento-Yolo, CA	11.99%
St. Louis, MO-IL	8.98%
San Diego, CA	12.70%
San Francisco-Oakland-San Jose, CA	19.04%
Seattle-Tacoma-Bremerton, WA	11.77%
Washington-Baltimore, DC-MD-VA-WV	11.48%
Rest of U.S.	8.64%

SCHEDULE 10-ADMINISTRATIVE LAW JUDGES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2003)

AL-3/A	$ 89,200
AL-3/B	96,000
AL-3/C	102,900
AL-3/D	109,800
AL-3/E	116,600
AL-3/F	123,400
AL-2	130,400
AL-1	134,000

[1]Locality Pay Areas are defined in 5 CFR 531.603.

[FR Doc. 03–464
Filed 1–7–03; 8:45 am]
Billing code 6125–01–C

Executive Order 13283
Establishing the Office of Global Communications

Signed: January 21, 2003
Federal Register page and date: 68 FR 3371, January 24, 2003
See: EO 12333, December 4, 1981

Federal Register
Vol. 68, No. 16
Friday, January 24, 2003

Presidential Documents

Title 3—

The President

Executive Order 13283 of January 21, 2003

Establishing the Office of Global Communications

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Establishment of the Office of Global Communications.* There is hereby established within the White House Office an Office of Global Communications (the ''Office'') to be headed by a Deputy Assistant to the President for Global Communications.

Sec. 2. *Mission.* The mission of the Office shall be to advise the President, the heads of appropriate offices within the Executive Office of the President, and the heads of executive departments and agencies (agencies) on utilization of the most effective means for the United States Government to ensure consistency in messages that will promote the interests of the United States abroad, prevent misunderstanding, build support for and among coalition partners of the United States, and inform international audiences. The Office shall provide such advice on activities in which the role of the United States Government is apparent or publicly acknowledged.

Sec. 3. *Functions.* In carrying out its mission:

(a) The Office shall assess the methods and strategies used by the United States Government (other than special activities as defined in Executive Order 12333 of December 4, 1981) to deliver information to audiences abroad. The Office shall coordinate the formulation among appropriate agencies of messages that reflect the strategic communications framework and priorities of the United States, and shall facilitate the development of a strategy among the appropriate agencies to effectively communicate such messages.

(b) The Office shall work with the policy and communications offices of agencies in developing a strategy for disseminating truthful, accurate, and effective messages about the United States, its Government and policies, and the American people and culture. The Office may, after consulting with the Department of State and obtaining the approval of the Assistant to the President for National Security Affairs on the President's behalf, work with cooperating foreign governments in the development of the strategy. In performing its work, the Office shall coordinate closely and regularly with the Assistant to the President for National Security Affairs, or the Assistant's designee.

(c) The Office shall work with appropriate agencies to coordinate the creation of temporary teams of communicators for short-term placement in areas of high global interest and media attention as determined by the Office. Team members shall include personnel from agencies to the extent permitted by law and subject to the availability of personnel. In performing its functions, each information team shall work to disseminate accurate and timely information about topics of interest to the on-site news media, and assist media personnel in obtaining access to information, individuals, and events that reinforce the strategic communications objectives of the United States and its allies. The Office shall coordinate when and where information teams should be deployed; provided, however, no information team shall be deployed abroad without prior consultation with the Department of State and the Department of Defense, and prior notification to the Office of the Assistant to the President for National Security Affairs.

(d) The Office shall encourage the use of state-of-the-art media and technology and shall advise the United States Government of events, technologies, and other communications tools that may be available for use in conveying information.

Sec. 4. *Administration.* The Office of Administration within the Executive Office of the President shall provide the Office with administrative and related support, to the extent permitted by law and subject to the availability of appropriations, as directed by the Chief of Staff to the President to carry out the provisions of this order.

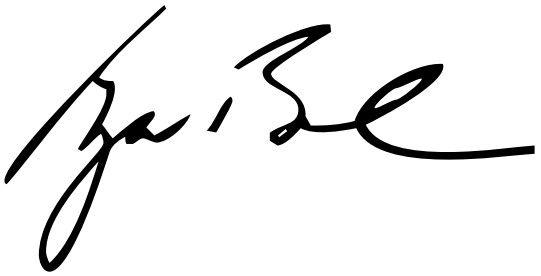
Sec. 5. *Relationship to Other Interagency Coordinating Mechanisms.* Presidential direction regarding National Security Council-related mechanisms for coordination of national security policy shall apply with respect to the Office in the same manner as it applies with respect to other elements of the White House Office. Nothing in this order shall be construed to impair or otherwise affect any function assigned by law or by the President to the National Security Council or to the Assistant to the President for National Security Affairs.

Sec. 6. *Continuing Authorities.* This order does not alter the existing authorities of any agency. Agencies shall assist the Deputy Assistant to the President for Global Communications, to the extent consistent with applicable law and direction of the President, and to the extent such assistance is consistent with national security objectives and with the mission of such agencies, in carrying out the Office's mission.

Sec. 7. *General Provisions.*

(a) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by any party against the United States, its agencies, instrumentalities or entities, its officers or employees, or any other person.

(b) Nothing in this order shall be construed to grant to the Office any authority to issue direction to agencies, officers, or employees.



THE WHITE HOUSE,
January 21, 2003.

[FR Doc. 03–1798
Filed 1–23–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13284

Amendment of Executive Orders, and Other Actions, in Connection With the Establishment of the Department of Homeland Security

Signed: January 23, 2003

Federal Register page and date: 68 FR 4075, January 28, 2003

Amends: EO 10865, February 20, 1960; EO 11423, August 16, 1968;EO 11958, January 18, 1977; EO 12260, December 31, 1980; EO 12333, December 4, 1981; EO 12590, March 26, 1987; EO 12859, August 16, 1993; EO 12881, November 23, 1993; EO 12992, March 15, 1996; EO 13011, July 16, 1996; EO 13048, June 10, 1997; EO 13122, March 25, 1999; EO 13151, April 27, 2000; EO 13224, September 23, 2001; EO 13228, October 8, 2001; EO 13231, October 16, 2001; EO 13234, November 9, 2001

See: EO 12829, January 6, 1993; EO 12958, April 17, 1995; EO 12968, August 2, 1995; EO 13286, February 28, 2003

Federal Register
Vol. 68, No. 18
Tuesday, January 28, 2003

Presidential Documents

Title 3—

The President

Executive Order 13284 of January 23, 2003

Amendment of Executive Orders, and Other Actions, in Connection With the Establishment of the Department of Homeland Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Homeland Security Act of 2002 (Public Law 107–296), and the National Security Act of 1947, as amended (50 U.S.C. 401 *et seq.*), and in order to reflect responsibilities vested in the Secretary of Homeland Security and take other actions in connection with the establishment of the Department of Homeland Security, it is hereby ordered as follows:

Section 1. Executive Order 13234 of November 9, 2001 (''Presidential Task Force on Citizen Preparedness in the War on Terrorism''), is amended by inserting ''the Department of Homeland Security,'' after ''the Office of Management and Budget,'' in section 2(a).

Sec. 2. Executive Order 13231 of October 16, 2001 (''Critical Infrastructure Protection in the Information Age''), is amended by:

(a) inserting ''(i) Secretary of Homeland Security;'' after ''or their designees:'' in section 6(a); and

(b) renumbering the subsequent subsections in section 6(a) appropriately.

Sec. 3. Executive Order 13228 of October 8, 2001 (''Establishing the Office of Homeland Security and the Homeland Security Council''), is amended by inserting ''the Secretary of Homeland Security,'' after ''the Secretary of Transportation,'' in section 5(b). Further, during the period from January 24, 2003, until March 1, 2003, the Secretary of Homeland Security shall have the responsibility for coordinating the domestic response efforts otherwise assigned to the Assistant to the President for Homeland Security pursuant to section 3(g) of Executive Order 13228.

Sec. 4. Executive Order 13224 of September 23, 2001 (''Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism''), as amended, is further amended by:

(a) inserting '', the Secretary of Homeland Security,'' after ''the Secretary of the Treasury'' in sections 1(b) and 1(d) (the first time it appears); and

(b) inserting '', the Secretary of Homeland Security,'' after ''the Secretary of State'' in sections 1(c) and 1(d) (the second time it appears), 5 (wherever it appears), and 7.

Sec. 5. Executive Order 13151 of April 27, 2000 (''Global Disaster Information Network''), is amended by:

(a) inserting ''(8) Department of Homeland Security;'' after ''(7) Department of Energy;'' in section 2(a); and

(b) renumbering the subsequent subsections in section 2(a) appropriately.

Sec. 6. Executive Order 13122 of May 25, 1999 (''Interagency Task Force on the Economic Development of the Southwest Border''), is amended by inserting ''Secretary of Homeland Security,'' after ''Secretary of the Treasury,'' in section 1(b).

Sec. 7. Executive Order 13048 of June 10, 1997 (''Improving Administrative Management in the Executive Branch''), is amended by:

(a) inserting ''15. Department of Homeland Security;'' after ''14. Department of Veterans Affairs;'' in section 1(a); and

(b) renumbering all subsequent subsections in section 1(a) appropriately.

Sec. 8. Executive Order 12992 of March 15, 1996 (''President's Council on Counter-Narcotics''), as amended, is further amended by:

(a) inserting ''(n) Secretary of Homeland Security;'' after ''(m) Secretary of Veterans Affairs;'' in section 2; and

(b) relettering all subsequent subsections in section 2 appropriately.

Sec. 9. Executive Order 12881 of November 23, 1993 (''Establishment of the National Science and Technology Council''), is amended by:

(a) inserting ''(i) Secretary of Homeland Security;'' after ''(h) Secretary of the Interior;'' in section 2; and

(b) relettering all subsequent subsections in section 2 appropriately.

Sec. 10. Executive Order 12859 of August 16, 1993 (''Establishment of the Domestic Policy Council''), is amended by:

(a) inserting ''(o) Secretary of Homeland Security;'' after ''(n) Secretary of the Treasury;'' in section 2; and

(b) relettering all subsequent subsections in section 2 appropriately.

Sec. 11. Executive Order 12590 of March 26, 1987 (''National Drug Policy Board''), is amended by:

(a) inserting ''(13) the Secretary of Homeland Security;'' after ''(12) the Secretary of Education;'' in section 1(b); and

(b) renumbering all subsequent subsections in section 1(b) appropriately.

Sec. 12. Executive Order 12260 of December 31, 1980 (''Agreement on Government Procurement''), as amended, is further amended by:

(a) inserting ''14. Department of Homeland Security'' after ''13. Department of Health and Human Services'' in the Annex; and

(b) renumbering all subsequent subsections in the Annex appropriately.

Sec. 13. Executive Order 11958 of January 18, 1977 (''Administration of Arms Export Controls''), as amended, is further amended by:

(a) striking ''Secretary of the Treasury'' wherever it appears in section 1(l)(2) and inserting ''Attorney General'' in lieu thereof; and

(b) inserting ''the Attorney General,'' after ''the Secretary of the Treasury,'' in section 2(a).

Sec. 14. Executive Order 11423 of August 16, 1968 (''Providing for the Performance of Certain Functions Heretofore Performed by the President with Respect to Certain Facilities Constructed and Maintained on the Borders of the United States''), as amended, is further amended by inserting ''the Secretary of Homeland Security,'' after ''the Secretary of Transportation,'' in section 1(b).

Sec. 15. Executive Order 10865 of February 20, 1960 (''Safeguarding Classified Information Within Industry''), as amended, is further amended by inserting ''the Secretary of Homeland Security,'' after ''the Secretary of Energy,'' in section 1.

Sec. 16. Executive Order 13011 of July 16, 1996 (''Federal Information Technology''), is amended by:

(a) inserting ''15. Department of Homeland Security;'' after ''14. Department of Veterans Affairs;'' in section 3(b); and

(b) renumbering all subsequent subsections in section 3(b) appropriately.

Sec. 17. Those elements of the Department of Homeland Security that are supervised by the Department's Under Secretary for Information Analysis and Infrastructure Protection through the Department's Assistant Secretary for Information Analysis, with the exception of those functions that involve no analysis of foreign intelligence information, are designated as elements of the Intelligence Community under section 201(h) of the Homeland Security Act of 2002 and section 3(4) of the National Security Act of 1947, as amended (50 U.S.C. 401a).

Sec. 18. Executive Order 12333 of December 4, 1981 (''United States Intelligence Activities''), is amended in Part 3.4(f) by:

(a) striking ''and'' at the end of subpart 3.4(f)(6);

(b) striking the period and inserting ''; and'' at the end of subpart 3.4(f)(7); and

(c) adding a new subpart 3.4(f)(8) to read as follows: ''(8) Those elements of the Department of Homeland Security that are supervised by the Department's Under Secretary for Information Analysis and Infrastructure Protection through the Department's Assistant Secretary for Information Analysis, with the exception of those functions that involve no analysis of foreign intelligence information.''

Sec. 19. *Functions of Certain Officials in the Department of Homeland Security.*

The Secretary of Homeland Security, the Deputy Secretary of Homeland Security, the Under Secretary for Information Analysis and Infrastructure Protection, Department of Homeland Security, and the Assistant Secretary for Information Analysis, Department of Homeland Security, each shall be considered a ''Senior Official of the Intelligence Community'' for purposes of Executive Order 12333, and all other relevant authorities, and shall:

(a) recognize and give effect to all current clearances for access to classified information held by those who become employees of the Department of Homeland Security by operation of law pursuant to the Homeland Security Act of 2002 or by Presidential appointment;

(b) recognize and give effect to all current clearances for access to classified information held by those in the private sector with whom employees of the Department of Homeland Security may seek to interact in the discharge of their homeland security-related responsibilities;

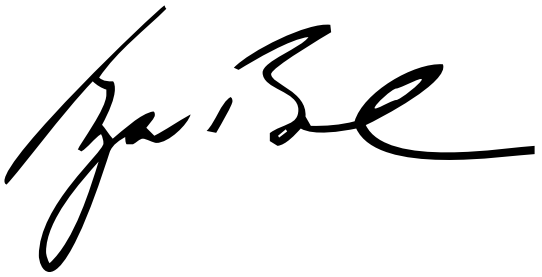
(c) make all clearance and access determinations pursuant to Executive Order 12968 of August 2, 1995, or any successor Executive Order, as to employees of, and applicants for employment in, the Department of Homeland Security who do not then hold a current clearance for access to classified information; and

(d) ensure all clearance and access determinations for those in the private sector with whom employees of the Department of Homeland Security may seek to interact in the discharge of their homeland security-related responsibilities are made in accordance with Executive Order 12829 of January 6, 1993.

Sec. 20. Pursuant to the provisions of section 1.4 of Executive Order 12958 of April 17, 1995 (''Classified National Security Information''), I hereby authorize the Secretary of Homeland Security to classify information originally as ''Top Secret.'' Any delegation of this authority shall be in accordance with section 1.4 of that order or any successor Executive Orders.

Sec. 21. This order shall become effective on January 24, 2003.

Sec. 22. This order does not create any right or benefit, substantive or procedural, enforceable at law or equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,
January 23, 2003.

[FR Doc. 03–2069
Filed 1–27–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13285
President's Council on Service and Civic Participation

Signed: January 29, 2003
Federal Register page and date: 68 FR 5203, February 3, 2003

Federal Register
Vol. 68, No. 22
Monday, February 3, 2003

Presidential Documents

Title 3—

The President

Executive Order 13285 of January 29, 2003

President's Council on Service and Civic Participation

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to encourage the recognition of volunteer service and civic participation by all Americans, and especially America's youth, it is hereby ordered as follows:

Section 1. *The President's Council on Service and Civic Participation.* (a) There is hereby established within the Corporation for National and Community Services (CNCS) the President's Council on Service and Civic Participation (Council).

(b) The Council shall be composed of up to 25 members, including representatives of America's youth, appointed by the President. Each member shall serve for a term of 2 years and may continue to serve after the expiration of their term until a successor is appointed. The President shall designate one member to serve as Chair and one member to serve as Vice Chair. Subject to the direction of the Chief Executive Officer of the CNCS, the Chair, and in the Chair's absence the Vice Chair, shall convene and preside at the meetings of the Council, determine its agenda, and direct its work.

Sec. 2. *Mission and Functions of the Council.*

(a) The mission of the Council shall be to:

(i) encourage the recognition of outstanding volunteer service and civic participation by individuals, schools, and organizations and thereby encourage more such activity, especially on the part of America's youth; and

(ii) facilitate awareness of the ways in which Americans throughout our history have helped to meet the vital needs of their communities and Nation through volunteer service and civic participation.

(b) In carrying out its mission, the Council shall:

(i) design and recommend programs to recognize individuals, schools, and organizations that excel in their efforts to support volunteer service and civic participation, especially with respect to students in primary schools, secondary schools, and institutions of higher learning;

(ii) exchange information and ideas with interested individuals and organizations on ways to expand and improve programs developed pursuant to subsection 2(b)(i) of this order;

(iii) advise the Chief Executive Officer of the CNCS on broad dissemination, especially among schools and youth organizations, of information regarding recommended practices for the promotion of volunteer service and civic participation, and other relevant educational and promotional materials;

(iv) monitor and advise the Chief Executive Officer of the CNCS on the need for the enhancement of materials disseminated pursuant to subsection 2(b)(iii) of this order; and

(v) make recommendations from time to time to the President, through the Director of the USA Freedom Corps, on ways to promote and recognize outstanding volunteer service and civic participation by individuals, schools, and organizations and to promote awareness of the ways in which Americans throughout our history have helped to meet the vital needs of their communities and Nation through volunteer service and civic participation.

Sec. 3. *Administration.* (a) Each Federal agency, to the extent permitted by law and subject to the availability of appropriations, shall furnish such information and assistance to the Council as the Council may, with the approval of the Director of the USA Freedom Corps, request.

(b) The members of the Council shall serve without compensation for their work on the Council. Members of the Council who are not officers or employees of the United States may receive travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government (5 U.S.C. 5701–5707).

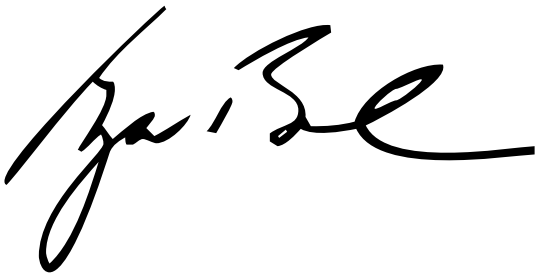
(c) To the extent permitted by law, the Chief Executive Officer of the CNCS shall furnish the Council with necessary staff, supplies, facilities, and other administrative services and shall pay the expenses of the Council.

(d) The Chief Executive Officer of the CNCS shall appoint an Executive Director to head the staff of the Council.

(e) The Council, with the approval of the Chief Executive Officer of the CNCS, may establish subcommittees of the Council, consisting exclusively of members of the Council, as appropriate to aid the Council in carrying out its mission under this order.

Sec. 4. *General Provisions.* (a) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (Act), may apply to the administration of any portion of this order, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Chief Executive Officer of CNCS in accordance with the guidelines and procedures issued by the Administrator of General Services.

(b) Unless extended by the President, this order shall expire 2 years from the date of this order.



THE WHITE HOUSE,
January 29, 2003.

[FR Doc. 03–2606
Filed 01–31–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13286

Amendment of Executive Orders, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security

Signed: February 28, 2003

Federal Register page and date: 68 FR 10619, March 5, 2003

Amends: EO 4601, March 1, 1927; EO 10113, February 24, 1950; EO 10163, September 25, 1950; EO 10179, November 8, 1950; EO 10271, July 7, 1951; EO 10448, April 22, 1953; EO 10499, November 4, 1953; EO 10554, August 18, 1954; EO 10631, August 17, 1955; EO 10637, September 16, 1955; EO 10694, January 10, 1957; EO 10789, November 14, 1958; EO 10977, December 4, 1961; EO 11016, April 25, 1962; EO 11046, August 24, 1962; EO 11079, January 25, 1963; EO 11139, January 7, 1964; EO 11190, December 29, 1964; EO 11231, July 8, 1965; EO 11239, July 31, 1965; EO 11366, August 4, 1967; EO 11438, December 3, 1968; EO 11446, January 16, 1969; EO 11448, January 16, 1969; EO 11623, October 12, 1971; EO 11645, February 8, 1972; EO 11800, August 17, 1974; EO 11858, May 7, 1975; EO 11926, July 19, 1976; EO 11965, January 19, 1977; EO 12002, July 7, 1977; EO 12146, July 18, 1979; EO 12148, July 20, 1979; EO 12160, September 26, 1979; EO 12188, January 2, 1980; EO 12208, April 15, 1980; EO 12341, January 21, 1982; EO 12382, September 13, 1982; EO 12472, April 3, 1984; EO 12501, January 28, 1985; EO 12555, March 10, 1986; EO 12580, January 23, 1987; EO 12656, November 18, 1988; EO 12657, November 18, 1988; EO 12699, January 5, 1990; EO 12727, August 22, 1990; EO 12728, August 22, 1990; EO 12733, November 13, 1990; EO 12742, January 8, 1991; EO 12743, January 18, 1991; EO 12777, October 18, 1991; EO 12788, January 15, 1992; EO 12789, February 10, 1992; EO 12793, March 20, 1992; EO 12807, May 24, 1992; EO 12824, December 7, 1992; EO 12830, January 9, 1993; EO 12835, January 25, 1993; EO 12870, September 30, 1993; EO 12906, April 11, 1994; EO 12919, June 3, 1994; EO 12977, October 19, 1995; EO 12978, October 21, 1995; EO 12982, December 8, 1995; EO 12985, January 11, 1996; EO 12989, February 13, 1996; EO 13011, July 16, 1996; EO 13076, February 24, 1998; EO 13100, August 25, 1998; EO 13112, February 3, 1999; EO 13120, April 27, 1999; EO 13133, August 5, 1999; EO 13154, May 3, 2000; EO 13165, August 9, 2000; EO 13212, May 18, 2001; EO 13223, September 14, 2001; EO 13228, October 8, 2001; EO 13231, October 16, 2001; EO 13254, January 29, 2002; EO 13257, February 13, 2002; EO 13260, March 19, 1992; EO 13271, July 9, 2002; EO 13274, September 18, 2002; EO 13276, November 15, 2002

Revokes: EO 13260, March 19, 2002 eff. March 31, 2002

See: EO 13130, July 14, 1999; EO 13284, January 23, 2003

Federal Register

Wednesday,
March 5, 2003

Part IV

The President

Executive Order 13286—Amendment of Executive Orders, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security

Executive Order 13287—Preserve America

Federal Register
Vol. 68, No. 43
Wednesday, March 5, 2003

Presidential Documents

Title 3—

The President

Executive Order 13286 of February 28, 2003

Amendment of Executive Orders, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Homeland Security Act of 2002 (Public Law 107–296) and section 301 of title 3, United States Code, and in order to reflect the transfer of certain functions to, and other responsibilities vested in, the Secretary of Homeland Security, the transfer of certain agencies and agency components to the Department of Homeland Security, and the delegation of appropriate responsibilities to the Secretary of Homeland Security, it is hereby ordered as follows:

Section 1. Executive Order 13276 of November 15, 2002 (''Delegation of Responsibilities Concerning Undocumented Aliens Interdicted or Intercepted in the Caribbean Region''), is amended by:

(a) striking ''The Attorney General'' wherever it appears in section 1 and inserting ''The Secretary of Homeland Security'' in lieu thereof; and

(b) striking ''the Attorney General'' wherever it appears in section 1 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 2. Executive Order 13274 of September 18, 2002 (''Environmental Stewardship and Transportation Infrastructure Project Reviews''), is amended by inserting ''Secretary of Homeland Security,'' after ''Secretary of Defense,'' in section 3(b).

Sec. 3. Executive Order 13271 of July 9, 2002 (''Establishment of the Corporate Fraud Task Force''), is amended by:

(a) inserting ''(b) the Secretary of Homeland Security;'' after ''(a) the Secretary of the Treasury;'' in section 4; and

(b) relettering the subsequent subsections in section 4 appropriately.

Sec. 4. Executive Order 13260 of March 19, 2002 (''Establishing the President's Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security''), is amended by:

(a) striking ''the Assistant to the President for Homeland Security (Assistant)'' in section 1(c) and inserting ''the Secretary of Homeland Security (Secretary)'' in lieu thereof;

(b) striking ''the Assistant'' wherever it appears in sections 2 and 3 and inserting ''the Secretary'' in lieu thereof;

(c) striking ''the Office of Administration'' in section 3(d) and inserting ''the Department of Homeland Security'' in lieu thereof;

(d) striking ''the Administrator of General Services'' in section 4(a) and inserting ''the Secretary of Homeland Security'' in lieu thereof; and

(e) inserting ''of General Services'' after ''Administrator'' in section 4(a).

Executive Order 13260 of March 19, 2002, is hereby revoked effective as of March 31, 2003.

Sec. 5. Executive Order 13257 of February 13, 2002 (''President's Interagency Task Force to Monitor and Combat Trafficking in Persons''), is amended by:

(a) inserting ''(v) the Secretary of Homeland Security;'' after ''(iv) the Secretary of Health and Human Services;'' in section 1(b); and

(b) renumbering the subsequent subsections in section 1(b) appropriately.

Sec. 6. Executive Order 13254 of January 29, 2002 (''Establishing the USA Freedom Corps''), is amended by striking ''Director of the Federal Emergency Management Agency;'' in section 3(b)(viii) and inserting ''Secretary of Homeland Security;'' in lieu thereof.

Sec. 7. Executive Order 13231 of October 16, 2001 (''Critical Infrastructure Protection in the Information Age''), as amended, is further amended to read in its entirety as follows:

''Critical Infrastructure Protection in the Information Age

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure protection of information systems for critical infrastructure, including emergency preparedness communications and the physical assets that support such systems, in the information age, it is hereby ordered as follows:

Section 1. *Policy.* The information technology revolution has changed the way business is transacted, government operates, and national defense is conducted. Those three functions now depend on an interdependent network of critical information infrastructures. It is the policy of the United States to protect against disruption of the operation of information systems for critical infrastructure and thereby help to protect the people, economy, essential human and government services, and national security of the United States, and to ensure that any disruptions that occur are infrequent, of minimal duration, and manageable, and cause the least damage possible. The implementation of this policy shall include a voluntary public-private partnership, involving corporate and nongovernmental organizations.

Sec. 2. *Continuing Authorities.* This order does not alter the existing authorities or roles of United States Government departments and agencies. Authorities set forth in 44 U.S.C. chapter 35, and other applicable law, provide senior officials with responsibility for the security of Federal Government information systems.

(a) Executive Branch Information Systems Security. The Director of the Office of Management and Budget (OMB) has the responsibility to develop and oversee the implementation of government-wide policies, principles, standards, and guidelines for the security of information systems that support the executive branch departments and agencies, except those noted in section 2(b) of this order. The Director of OMB shall advise the President and the appropriate department or agency head when there is a critical deficiency in the security practices within the purview of this section in an executive branch department or agency.

(b) National Security Information Systems. The Secretary of Defense and the Director of Central Intelligence (DCI) shall have responsibility to oversee, develop, and ensure implementation of policies, principles, standards, and guidelines for the security of information systems that support the operations under their respective control. In consultation with the Assistant to the President for National Security Affairs and the affected departments and agencies, the Secretary of Defense and the DCI shall develop policies, principles, standards, and guidelines for the security of national security information systems that support the operations of other executive branch departments and agencies with national security information.

(i) Policies, principles, standards, and guidelines developed under this subsection may require more stringent protection than those developed in accordance with section 2(a) of this order.

(ii) The Assistant to the President for National Security Affairs shall advise the President and the appropriate department or agency when there is a critical deficiency in the security practices of a department or agency within the purview of this section.

(iii) National Security Systems. The National Security Telecommunications and Information Systems Security Committee, as established by

and consistent with NSD–42 and chaired by the Department of Defense, shall be designated as the ''Committee on National Security Systems.''

(c) Additional Responsibilities. The heads of executive branch departments and agencies are responsible and accountable for providing and maintaining adequate levels of security for information systems, including emergency preparedness communications systems, for programs under their control. Heads of such departments and agencies shall ensure the development and, within available appropriations, funding of programs that adequately address these mission systems, especially those critical systems that support the national security and other essential government programs. Additionally, security should enable, and not unnecessarily impede, department and agency business operations.

Sec. 3. *The National Infrastructure Advisory Council.* The National Infrastructure Advisory Council (NIAC), established on October 16, 2001, shall provide the President through the Secretary of Homeland Security with advice on the security of information systems for critical infrastructure supporting other sectors of the economy: banking and finance, transportation, energy, manufacturing, and emergency government services.

(a) Membership. The NIAC shall be composed of not more than 30 members appointed by the President. The members of the NIAC shall be selected from the private sector, academia, and State and local government. Members of the NIAC shall have expertise relevant to the functions of the NIAC and generally shall be selected from industry Chief Executive Officers (and equivalently ranked leaders of other organizations) with responsibilities for security of information infrastructure supporting the critical sectors of the economy, including banking and finance, transportation, energy, communications, and emergency government services. Members shall not be full-time officials or employees of the executive branch of the Federal Government. The President shall designate a Chair and Vice Chair from among the members of the NIAC.

(b) Functions of the NIAC. The NIAC will meet periodically to:

(i) enhance the partnership of the public and private sectors in protecting information systems for critical infrastructures and provide reports on this issue to the Secretary of Homeland Security, as appropriate;

(ii) propose and develop ways to encourage private industry to perform periodic risk assessments of critical information and telecommunications systems;

(iii) monitor the development of private sector Information Sharing and Analysis Centers (ISACs) and provide recommendations to the President through the Secretary of Homeland Security on how these organizations can best foster improved cooperation among the ISACs, the Department of Homeland Security, and other Federal Government entities;

(iv) report to the President through the Secretary of Homeland Security, who shall ensure appropriate coordination with the Assistant to the President for Homeland Security, the Assistant to the President for Economic Policy, and the Assistant to the President for National Security Affairs under the terms of this order; and

(v) advise lead agencies with critical infrastructure responsibilities, sector coordinators, the Department of Homeland Security, and the ISACs.

(c) Administration of the NIAC.

(i) The NIAC may hold hearings, conduct inquiries, and establish subcommittees, as appropriate.

(ii) Upon request of the Chair, and to the extent permitted by law, the heads of the executive departments and agencies shall provide the NIAC with information and advice relating to its functions.

(iii) Senior Federal Government officials may participate in the meetings of the NIAC, as appropriate.

(iv) Members shall serve without compensation for their work on the NIAC. However, members may be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Federal Government service (5 U.S.C. 5701–5707).

(v) To the extent permitted by law and subject to the availability of appropriations, the Department of Homeland Security shall provide the NIAC with administrative services, staff, and other support services, and such funds as may be necessary for the performance of the NIAC's functions.

(d) General Provisions.

(i) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (Act), may apply to the NIAC, the functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Department of Homeland Security in accordance with the guidelines and procedures established by the Administrator of General Services.

(ii) The NIAC shall terminate on October 15, 2003, unless extended by the President.

(iii) Executive Order 13130 of July 14, 1999, was revoked on October 16, 2001.

(iv) Nothing in this order shall supersede any requirement made by or under law.

Sec. 4. *Judicial Review.* This order does not create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its depart ments, agencies, or other entities, its officers or employees, or any other person.''

Sec. 8. Executive Order 13228 of October 8, 2001 (''Establishing the Office of Homeland Security and the Homeland Security Council''), as amended, is further amended by:

(a) amending section 3(g) to read ''(g) *Incident Management.* Consistent with applicable law, including the statutory functions of the Secretary of Homeland Security, the Assistant to the President for Homeland Security shall be the official primarily responsible for advising and assisting the President in the coordination of domestic incident management activities of all departments and agencies in the event of a terrorist threat, and during and in the aftermath of terrorist attacks, major disasters, or other emergencies, within the United States. Generally, the Assistant to the President for Homeland Security shall serve as the principal point of contact for and to the President with respect to the coordination of such activities. The Assistant to the President for Homeland Security shall coordinate with the Assistant to the President for National Security Affairs, as appropriate.''; and

(b) inserting '', including the Department of Homeland Security'' after ''Government departments and agencies'' in section 7.

Sec. 9. Executive Order 13223 of September 14, 2001 (''Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation''), as amended, is further amended by:

(a) striking ''the Secretary of Transportation'' in the title and wherever it appears in sections 1, 5, 6, and 7, and inserting ''the Secretary of Homeland Security'' in lieu thereof; and

(b) striking ''the Department of Transportation'' in section 7 and inserting ''the Department of Homeland Security'' in lieu thereof.

Sec. 10. Executive Order 13212 of May 18, 2001 (''Actions to Expedite Energy-Related Projects''), is amended by inserting ''Homeland Security,'' after ''Veterans Affairs,'' in section 3.

Sec. 11. Executive Order 13165 of August 9, 2000 (''Creation of the White House Task Force on Drug Use in Sports and Authorization for the Director of the Office of National Drug Control Policy to Serve as the United States

Government's Representative on the Board of the World Anti-Doping Agency''), is amended by inserting ''the Department of Homeland Security,'' after ''the Department of Transportation,'' in section 2.

Sec. 12. Executive Order 13154 of May 3, 2000 (''Establishing the Kosovo Campaign Medal''), is amended by striking ''the Secretary of Transportation'' in section 1 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 13. Executive Order 13133 of August 5, 1999 (''Working Group on Unlawful Conduct on the Internet''), is amended by:

(a) inserting ''(6) The Secretary of Homeland Security.'' after ''(5) The Secretary of Education.'' in section 3(a); and

(b) renumbering the subsequent subsections in section 3(a) appropriately.

Sec. 14. Executive Order 13120 of April 27, 1999 (''Ordering the Selected Reserve and Certain Individual Ready Reserve Members of the Armed Forces to Active Duty''), is amended by striking ''the Secretary of Transportation'' and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 15. Executive Order 13112 of February 3, 1999 (''Invasive Species''), is amended by inserting ''the Secretary of Homeland Security,'' after ''Secretary of Transportation,'' in section 3(a).

Sec. 16. Executive Order 13100 of August 25, 1998 (''President's Council on Food Safety''), is amended by inserting ''and Homeland Security,'' after ''Health and Human Services,'' in section 1(a).

Sec. 17. Executive Order 13076 of February 24, 1998 (''Ordering the Selected Reserve of the Armed Forces to Active Duty''), is amended by striking ''the Secretary of Transportation'' and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 18. Executive Order 13011 of July 16, 1996 (''Federal Information Technology''), as amended, is further amended by:

(a) striking ''17. Federal Emergency Management Agency;'' in section 3(b); and

(b) renumbering the subsequent subsections in section 3(b) appropriately.

Sec. 19. Executive Order 12989 of February 13, 1996 (''Economy and Efficiency in Government Procurement through Compliance with Certain Immigration and Naturalization Act Provisions''), is amended by:

(a) striking ''Naturalization'' in the title and inserting ''Nationality'' in lieu thereof;

(b) striking '', the Attorney General'' in section 3;

(c) inserting ''the Secretary of Homeland Security'' before ''may'' in section 3(a);

(d) inserting ''the Secretary of Homeland Security'' before ''shall'' in section 3(b);

(e) inserting ''the Attorney General'' before ''shall'' in section 3(c);

(f) inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' wherever it appears in section 4;

(g) striking ''The Attorney General's'' in section 4(b) and inserting ''Such'' in lieu thereof;

(h) striking ''the Attorney General'' wherever it appears in the first two sentences of section 5(a) and inserting ''the Secretary of Homeland Security and Attorney General'' in lieu thereof;

(i) striking ''the responsibilities of the Attorney General'' in section 5(a) and inserting ''their respective responsibilities'' in lieu thereof;

(j) inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' wherever in appears in the third sentence of section 5(a);

(k) inserting ''Secretary of Homeland Security and the'' before ''Attorney General'' in section 6;

(l) striking ''the Attorney General's'' in section 6 and inserting ''their respective'' in lieu thereof; and

(m) inserting ''Secretary of Homeland Security, the'' before ''Attorney General'' in section 7.

Sec. 20. Executive Order 12985 of January 11, 1996 (''Establishing the Armed Forces Service Medal''), is amended by striking ''the Secretary of Transportation'' in section 2 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 21. Executive Order 12982 of December 8, 1995 (''Ordering the Selected Reserve of the Armed Forces to Active Duty''), is amended by striking ''the Secretary of Transportation'' and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 22. Executive Order 12978 of October 21, 1995 (''Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers''), is amended by inserting '', the Secretary of Homeland Security,'' after ''the Attorney General'' wherever it appears in sections 1 and 4.

Sec. 23. Executive Order 12977 of October 19, 1995 (''Interagency Security Committee''), is amended by:

(a) striking ''the Administrator of General Services (''Administrator'')'' in section 1(a) and inserting ''the Secretary of Homeland Security (''Secretary'')'' in lieu thereof;

(b) striking ''and'' after ''(16) Central Intelligence Agency;'' in section 1(b);

(c) inserting ''and (18) General Services Administration;'' after ''(17) Office of Management and Budget;'' in section 1(b);

(d) striking section 1(c)(2) and redesignating sections 1(c)(3) and 1(c)(4) as sections 1(c)(2) and 1(c)(3), respectively;

(e) striking ''Administrator'' wherever it appears in sections 2, 5(a)(3)(E), 6(a), and 6(c), and inserting ''Secretary'' in lieu thereof; and

(f) striking '', acting by and through the Assistant Commissioner,'' in section 6(c).

Sec. 24. Executive Order 12919 of June 3, 1994 (''National Defense Industrial Resources Preparedness''), is amended by:

(a) striking ''The Director, Federal Emergency Management Agency (''Director, FEMA'')'' in section 104(b) and inserting ''The Secretary of Homeland Security (''the Secretary'')'' in lieu thereof;

(b) striking ''The Director, FEMA,'' in sections 201(c) and 601(f) and inserting ''The Secretary'' in lieu thereof;

(c) striking ''the Director, FEMA,'' wherever it appears in sections 201(e), 202(c), 305, 501, 701(e), and 802(e), and inserting ''the Secretary'' in lieu thereof; and

(d) inserting ''the Department of Homeland Security,'' after ''Attorney General,'' in section 801.

Sec. 25. Executive Order 12906 of April 11, 1994 (''Coordinating Geographic Data Acquisition and Access: The National Spatial Data Infrastructure''), is amended by:

(a) striking ''and'' in section 7(b)(ii);

(b) striking the period at the end of section 7(b)(iii) and inserting ''; and'' in lieu thereof; and

(c) inserting a new section 7(b)(iv) to read ''(iv) the national security-related activities of the Department of Homeland Security as determined by the Secretary of Homeland Security.''.

Sec. 26. Executive Order 12870 of September 30, 1993 (''Trade Promotion Coordinating Committee''), is amended by:

(a) inserting ''(j) Department of Homeland Security;'' after ''(i) Department of the Interior;'' in section 1; and

(b) relettering the subsequent subsections in section 1 appropriately.

Sec. 27. Executive Order 12835 of January 25, 1993 (''Establishment of the National Economic Council''), is amended by:

(a) inserting ''(k) Secretary of Homeland Security;'' after ''(j) Secretary of Energy;'' in section 2; and

(b) relettering the subsequent subsections in section 2 appropriately.

Sec. 28. Executive Order 12830 of January 9, 1993 (''Establishing the Military Outstanding Volunteer Service Medal''), is amended by striking ''the Secretary of Transportation'' wherever it appears and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 29. Executive Order 12824 of December 7, 1992 (''Establishing the Transportation Distinguished Service Medal''), is amended by:

(a) striking ''Transportation'' in the title and inserting ''Homeland Security'' in lieu thereof; and

(b) striking ''Transportation'' wherever it appears and inserting ''Homeland Security'' in lieu thereof.

Sec. 30. Executive Order 12807 of May 24, 1992 (''Interdiction of Illegal Aliens''), is amended by striking ''the Attorney General'' in section 2(c)(3) and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 31. Executive Order 12793 of March 20, 1992 (''Continuing the Presidential Service Certificate and Presidential Service Badge''), is amended by striking ''the Secretary of Transportation'' in section 1 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 32. Executive Order 12789 of February 10, 1992 (''Delegation of Reporting Functions Under the Immigration Reform and Control Act of 1986''), is amended by striking ''The Attorney General'' in section 1 and inserting ''The Secretary of Homeland Security'' in lieu thereof.

Sec. 33. Executive Order 12788 of January 15, 1992 (''Defense Economic Adjustment Program''), is amended by:

(a) inserting ''(15) Secretary of Homeland Security;'' after ''(14) Secretary of Veterans Affairs;'' in section 4(a); and

(b) renumbering the subsequent subsections in section 4(a) appropriately.

Sec. 34. Executive Order 12777 of October 18, 1991 (''Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as Amended, and the Oil Pollution Act of 1990''), is amended by:

(a) inserting ''and the Secretary of the Department in which the Coast Guard is operating'' after ''the Secretary of Transportation'' in sections 2(b)(2) and 2(d)(2);

(b) striking ''the Secretary of Transportation'' in section 2(e)(2) and wherever it appears in sections 5 and 8 and inserting ''the Secretary of the Department in which the Coast Guard is operating'' in lieu thereof; and

(c) inserting ''the Secretary of the Department in which the Coast Guard is operating,'' after ''Agriculture,'' in section 10(c).

Sec. 35. Executive Order 12743 of January 18, 1991 (''Ordering the Ready Reserve of the Armed Forces to Active Duty''), is amended by:

(a) striking ''the Department of Transportation'' in section 1 and inserting ''the Department of Homeland Security'' in lieu thereof; and

(b) striking ''the Secretary of Transportation'' in section 1 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 36. Executive Order 12742 of January 8, 1991 (''National Security Industrial Responsiveness''), is amended by:

(a) inserting ''Homeland Security,'' after ''Transportation,'' in section 104(a); and

(b) striking ''the Director of the Federal Emergency Management Agency'' in section 104(d) and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 37. Executive Order 12733 of November 13, 1990 (''Authorizing the Extension of the Period of Active Duty of Personnel of the Selected Reserve of the Armed Forces''), is amended by striking ''the Secretary of Transportation'' and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 38. Executive Order 12728 of August 22, 1990 (''Delegating the President's Authority to Suspend any Provision of Law Relating to the Promotion, Retirement, or Separation of Members of the Armed Forces''), is amended by striking ''the Secretary of Transportation'' in sections 1 and 2 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 39. Executive Order 12727 of August 27, 1990 (''Ordering the Selected Reserve of the Armed Forces to Active Duty''), is amended by striking ''the Secretary of Transportation'' in section 1 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 40. Executive Order 12699 (''Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction''), is amended by:

(a) striking ''Federal Emergency Management Agency (FEMA)'' in section 3(d) and inserting ''Department of Homeland Security'' in lieu thereof;

(b) striking ''The Director of the Federal Emergency Management Agency'' in section 4(a) and inserting ''The Secretary of Homeland Security'' in lieu thereof; and

(c) striking ''The Federal Emergency Management Agency'' and ''The FEMA'' in section 5 and inserting ''The Department of Homeland Security'' in lieu thereof (in both places).

Sec. 41. Executive Order 12657 of November 18, 1988 (''Federal Emergency Management Agency Assistance in Emergency Preparedness Planning at Commercial Nuclear Power Plants''), is amended by:

(a) striking ''Federal Emergency Management Agency'' in the title and inserting ''Department of Homeland Security'' in lieu thereof;

(b) striking ''Federal Emergency Management Agency (''FEMA'')'' in section 1(b) and inserting ''Department of Homeland Security (''DHS'')'' in lieu thereof;

(c) striking ''FEMA'' wherever it appears in sections 1(b), 2(b), 2(c), 3, 4, 5, and 6, and inserting ''DHS'' in lieu thereof; and

(d) striking ''the Director of FEMA'' in section 2(a) and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 42. Executive Order 12656 of November 18, 1988 (''Assignment of Emergency Preparedness Responsibilities''), as amended, is further amended by:

(a) striking ''The Director of the Federal Emergency Management Agency'' wherever it appears in sections 104(c) and 1702 and inserting ''The Secretary of Homeland Security'' in lieu thereof;

(b) striking ''the Director of the Federal Emergency Management Agency'' wherever it appears in sections 104(c), 201(15), 301(9), 401(10), 501(4), 501(7), 502(7), 601(3), 701(5), 801(9), 1302(4), 1401(4), 1701, and 1801(b), and inserting ''the Secretary of Homeland Security'' in lieu thereof;

(c) striking ''consistent with current National Security Council guidelines and policies'' in section 201(15) and inserting ''consistent with current Presidential guidelines and policies'' in lieu thereof;

(d) striking ''Secretary'' in section 501(9) and inserting ''Secretaries'' in lieu thereof;

(e) inserting ''and Homeland Security'' after ''Labor'' in section 501(9);

(f) striking ''and'' after ''State'' in section 701(6) and inserting a comma in lieu thereof;

(g) inserting '', and Homeland Security'' after ''Defense'' in section 701(6);

(h) striking ''the Director of the Federal Emergency Management Agency,'' in section 701(6); and

(i) striking ''Federal Emergency Management Agency'' in the title of Part 17 and inserting ''Department of Homeland Security'' in lieu thereof.

Without prejudice to subsections (a) through (i) of this section, all responsibilities assigned to specific Federal officials pursuant to Executive Order 12656 that are substantially the same as any responsibility assigned to, or function transferred to, the Secretary of Homeland Security pursuant to the Homeland Security Act of 2002 (regardless of whether such responsibility or function is expressly required to be carried out through another official of the Department of Homeland Security or not pursuant to such Act), or intended or required to be carried out by an agency or an agency component transferred to the Department of Homeland Security pursuant to such Act, are hereby reassigned to the Secretary of Homeland Security.

Sec. 43. Executive Order 12580 of January 23, 1987 (''Superfund Implementation''), as amended, is further amended by:

(a) inserting ''Department of Homeland Security,'' after Department of Energy,'' in section 1(a)(2); and

(b) striking ''Federal Emergency Management Agency'' in section 1(a)(2).

Sec. 44. Executive Order 12555 of November 15, 1985 (''Protection of Cultural Property''), as amended, is further amended by:

(a) striking ''the Secretary of the Treasury'' in sections 1, 2, and 3, and inserting ''the Secretary of Homeland Security'' in lieu thereof; and

(b) striking ''The Department of the Treasury'' in the heading of section 3 and inserting ''The Department of Homeland Security'' in lieu thereof.

Sec. 45. Executive Order 12501 of January 28, 1985 (''Arctic Research''), is amended by:

(a) inserting ''(i) Department of Homeland Security;'' after ''(h) Department of Health and Human Services;'' in section 8; and

(b) relettering the subsequent subsections in section 8 appropriately.

Sec. 46. Executive Order 12472 of April 3, 1984 (''Assignment of National Security and Emergency Preparedness Telecommunications Functions''), is amended by:

(a) inserting ''the Homeland Security Council,'' after ''National Security Council,'' in sections 1(b), 1(e)(4), 1(f)(3), and 2(c)(4);

(b) striking ''The Secretary of Defense'' in section 1(e) and inserting ''The Secretary of Homeland Security'' in lieu thereof;

(c) striking ''Federal Emergency Management Agency'' in sections 1(e)(3) and 3(j) and inserting ''Department of Homeland Security'' in lieu thereof;

(d) inserting '', in consultation with the Homeland Security Council,'' after ''National Security Council'' in section 2(b)(1);

(e) inserting '', the Homeland Security Council,'' after ''National Security Council'' in sections 2(d) and 2(e);

(f) striking ''the Director of the Federal Emergency Management Agency'' in section 2(d)(1) and inserting ''the Secretary of Homeland Security'' in lieu thereof;

(g) striking ''Federal Emergency Management Agency. The Director of the Federal Emergency Management Agency shall:'' in section 3(b) and inserting ''Department of Homeland Security. The Secretary of Homeland Security shall:'' in lieu thereof; and

(h) adding at the end of section 3(d) the following new paragraph: ''(3) Nothing in this order shall be construed to impair or otherwise affect the

authority of the Secretary of Defense with respect to the Department of Defense, including the chain of command for the armed forces of the United States under section 162(b) of title 10, United States Code, and the authority of the Secretary of Defense with respect to the Department of Defense under section 113(b) of that title.''.

Sec. 47. Executive Order 12382 of September 13, 1982 (''President's National Security Telecommunications Advisory Committee''), as amended, is further amended by:

(a) inserting ''through the Secretary of Homeland Security,'' after ''the President,'' in sections 2(a) and 2(b);

(b) striking ''and to the Secretary of Defense'' in section 2(e) and inserting '', through the Secretary of Homeland Security,'' in lieu thereof; and

(c) striking ''the Secretary of Defense'' in sections 3(c) and 4(a) and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 48. Executive Order 12341 of January 21, 1982 (''Cuban and Haitian Entrants''), is amended by:

(a) striking ''The Attorney General'' in section 2 and inserting ''The Secretary of Homeland Security'' in lieu thereof; and

(b) striking ''the Attorney General'' in section 2 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 49. Executive Order 12208 of April 15, 1980 (''Consultations on the Admission of Refugees''), as amended, is further amended by:

(a) striking ''the following functions: (a) To'' in section 1–101 and inserting ''to'' in lieu thereof;

(b) striking ''the Attorney General'' in section 1–101(a) and inserting ''the Secretary of Homeland Security'' in lieu thereof;

(c) striking sections 1–101(b) and 1–102; and

(d) redesignating sections 1–103 and 1–104 as sections 1–102 and 1–103, respectively.

Sec. 50. Executive Order 12188 of January 2, 1980 (''International Trade Functions''), as amended, is further amended by:

(a) inserting ''(12) The Secretary of Homeland Security'' after ''(11) The Secretary of Energy'' in section 1–102(b); and

(b) renumbering the subsequent subsections in section 1–102(b) appropriately.

Sec. 51. Executive Order 12160 of September 26, 1979 (''Providing for Enhancement and Coordination of Federal Consumer Programs''), as amended, is further amended by:

(a) inserting ''(m) Department of Homeland Security.'' after ''(l) Department of the Treasury.'' in section 1–102;

(b) striking ''(s) Federal Emergency Management Agency.'' in section 1–102; and

(c) relettering the subsequent subsections in section 1–102 appropriately.

Sec. 52. Executive Order 12148 of July 20, 1979 (''Federal Emergency Management''), as amended, is further amended by:

(a) striking ''the Federal Emergency Management Agency'' whenever it appears and inserting ''the Department of Homeland Security'' in lieu thereof; and

(b) striking ''the Director of the Federal Emergency Management Agency'' wherever it appears and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 53. Executive Order 12146 of July 18, 1979 (''Management of Federal Legal Resources''), as amended, is further amended by:

(a) striking ''15'' in section 1–101 and inserting ''16'' in lieu thereof;

(b) inserting ''(n) The Department of Homeland Security.'' after ''(m) The Department of the Treasury.'' in section 1–102; and

(c) relettering the subsequent subsections in section 1–102 appropriately.

Sec. 54. Executive Order 12002 of July 7, 1977 (''Administration of Export Controls''), as amended, is further amended by inserting '', the Secretary of Homeland Security,'' after ''The Secretary of Energy'' in section 3.

Sec. 55. Executive Order 11965 of January 19, 1977 (''Establishing the Humanitarian Service Medal''), is amended by striking ''the Secretary of Transportation'' wherever it appears in sections 1, 2, and 4, and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 56. Executive Order 11926 of July 19, 1976 (''The Vice Presidential Service Badge''), is amended by striking ''the Secretary of Transportation'' in section 2 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 57. Executive Order 11858 of May 7, 1975 (''Foreign Investment in the United States''), as amended, is further amended by:

(a) inserting ''(8) The Secretary of Homeland Security.'' after ''(7) The Attorney General.'' in section 1(a); and

(b) redesignating subsection (8) as subsection (9) in section 1(a).

Sec. 58. Executive Order 11800 of August 17, 1974 (''Delegating Certain Authority Vested in the President by the Aviation Career Incentive Act of 1974''), as amended, is further amended by striking ''the Secretary of Transportation'' in section 1 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 59. Executive Order 11645 of February 8, 1972 (''Authority of the Secretary of Transportation to Prescribe Certain Regulations Relating to Coast Guard Housing''), is amended by striking ''the Secretary of Transportation'' in the title and in sections 1 and 2 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 60. Executive Order 11623 of October 12, 1971 (''Delegating to the Director of Selective Service Authority to Issue Rules and Regulations under the Military Selective Service Act''), as amended, is further amended by:

(a) striking ''the Secretary of Transportation'' in section 2(a) and inserting ''the Secretary of Homeland Security'' in lieu thereof; and

(b) striking ''the Department of Transportation'' in section 2(a) and inserting ''the Department of Homeland Security'' in lieu thereof.

Sec. 61. Executive Order 11448 of January 16, 1969 (''Establishing the Meritorious Service Medal''), as amended, is further amended by striking ''the Secretary of Transportation'' in section 1 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 62. Executive Order 11446 of January 16, 1969 (''Authorizing the Acceptance of Service Medals and Ribbons from Multilateral Organizations Other Than the United Nations''), is amended by striking ''the Secretary of Transportation'' and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 63. Executive Order 11438 of December 3, 1968 (''Prescribing Procedures Governing Interdepartmental Cash Awards to the Members of the Armed Forces''), as amended, is further amended by:

(a) striking ''the Secretary of Transportation'' in sections 1 and 2 and inserting ''the Secretary of Homeland Security'' in lieu thereof; and

(b) striking ''the Department of Transportation'' wherever it appears in sections 2 and 4 and inserting ''the Department of Homeland Security'' in lieu thereof.

Sec. 64. Executive Order 11366 of August 4, 1967 (''Assigning Authority to Order Certain Persons in the Ready Reserve to Active Duty''), is amended by striking ''The Secretary of Transportation'' in sections 2 and 3(b) and inserting ''The Secretary of Homeland Security'' in lieu thereof.

Sec. 65. Executive Order 11239 of July 31, 1965 (''Enforcement of the Convention for Safety of Life at Sea, 1960''), as amended, is further amended,

without prejudice to section 1–106 of Executive Order 12234 of September 3, 1980 (''Enforcement of the Convention for the Safety of Life at Sea''), by:

(a) striking ''the Secretary of Transportation'' in sections 1, 3, and 4, and inserting ''the Secretary of Homeland Security'' in lieu thereof; and

(b) striking ''The Secretary of Transportation'' in sections 2 and 3 and inserting ''The Secretary of Homeland Security'' in lieu thereof.

Sec. 66. Executive Order 11231 of July 8, 1965 (''Establishing the Vietnam Service Medal''), as amended, is further amended by striking ''the Secretary of Transportation'' in section 1 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 67. Executive Order 11190 of December 29, 1964 (''Providing for the Screening of the Ready Reserve of the Armed Forces''), as amended, is further amended by striking ''the Secretary of Transportation'' in section 1 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 68. Executive Order 11139 of January 7, 1964 (''Authorizing Acceptance of the United Nations Medal and Service Ribbon''), is amended by striking ''the Secretary of the Treasury'' and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 69. Executive Order 11079 of January 25, 1963 (''Providing for the Prescribing of Regulations under which Members of the Armed Forces and Others May Accept Fellowships, Scholarships or Grants''), as amended, is further amended by striking ''the Secretary of Transportation'' and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 70. Executive Order 11046 of August 24, 1962 (''Authorizing Award of the Bronze Star Medal''), as amended, is further amended by striking ''the Secretary of Transportation'' in section 1 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 71. Executive Order 11016 of April 25, 1962 (''Authorizing Award of the Purple Heart''), as amended, is further amended by striking ''the Secretary of Transportation'' in sections 1 and 2 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 72. Executive Order 10977 of December 4, 1961 (''Establishing the Armed Forces Expeditionary Medal''), as amended, is further amended by striking ''the Secretary of Transportation'' in section 2 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 73. Executive Order 10789 of November 14, 1958 (''Authorizing Agencies of the Government To Exercise Certain Contracting Authority in Connection With National-Defense Functions and Prescribing Regulations Governing the Exercise of Such Authority''), as amended, is further amended by:

(a) striking ''The Federal Emergency Management Agency'' in paragraph 21 and inserting ''Department of Homeland Security'' in lieu thereof; and

(b) inserting at the end thereof the following new Part:

''Part III—Coordination with Other Authorities

25. After March 1, 2003, no executive department or agency shall exercise authority granted under paragraph 1A of this order with respect to any matter that has been, or could be, designated by the Secretary of Homeland Security as a qualified anti-terrorism technology as defined in section 865 of the Homeland Security Act of 2002, unless—

(a) in the case of the Department of Defense, the Secretary of Defense has, after consideration of the authority provided under subtitle G of title VIII of the Homeland Security Act of 2002, determined that the exercise of authority under this order is necessary for the timely and effective conduct of United States military or intelligence activities; and

(b) in the case of any other executive department or agency that has authority under this order, (i) the Secretary of Homeland Security has advised whether the use of the authority provided under subtitle G of title VIII

of the Homeland Security Act of 2002 would be appropriate, and (ii) the Director of the Office and Management and Budget has approved the exercise of authority under this order.''.

Sec. 74. Executive Order 10694 of January 10, 1957 (''Authorizing the Secretaries of the Army, Navy, and Air Force to Issue Citations in the Name of the President of the United States to Military and Naval Units for Outstanding Performance in Action''), is amended by adding at the end thereof the following new section: ''5. The Secretary of the Department in which the Coast Guard is operating may exercise the same authority with respect to the Coast Guard under this order as the Secretary of the Navy may exercise with respect to the Navy and the Marine Corps under this order.''.

Sec. 75. Executive Order 10637 of September 16, 1955 (''Delegating to the Secretary of the Treasury Certain Functions of the President Relating to the United States Coast Guard''), is amended by:

(a) striking ''The Secretary of the Treasury'' in sections 1 and 2 and inserting ''The Secretary of Homeland Security'' in lieu thereof;

(b) striking ''the Secretary of the Treasury'' in the title and in subsections 1(j), 1(k), and 5, and inserting ''the Secretary of Homeland Security'' in lieu thereof; and

(c) striking subsection 1(r) and redesignating subsection 1(s) as subsection 1(r).

Sec. 76. Executive Order 10631 of August 17, 1955 (''Code of Conduct for Members of the Armed Forces of the United States''), as amended, is further amended by: striking ''the Secretary of Transportation'' and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 77. Executive Order 10554 of August 18, 1954 (''Delegating the Authority of the President to Prescribe Regulations Authorizing Occasions Upon Which the Uniform May Be Worn by Persons Who Have Served Honorably in the Armed Forces in Time of War''), is amended by striking ''the Secretary of the Treasury'' and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 78. Executive Order 10499 of November 4, 1953 (''Delegating Functions Conferred Upon the President by Section 8 of the Uniformed Services Contingency Option Act of 1953''), as amended, is further amended by striking ''the Treasury'' in sections 1 and 2 and inserting ''Homeland Security'' in lieu thereof.

Sec. 79. Executive Order 10448 of April 22, 1953 (''Authorizing the National Defense Medal''), as amended, is further amended by striking ''the Secretary of Transportation'' in sections 1 and 2 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 80. Executive Order 10271 of July 7, 1951 (''Delegating the Authority of the President to Order Members and Units of Reserve Components of the Armed Forces into Active Federal service''), is amended by striking ''the Secretary of the Treasury'' and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 81. Executive Order 10179 of November 8, 1950 (''Establishing the Korean Service Medal''), as amended, is further amended by striking ''the Secretary of the Treasury'' in sections 1 and 2 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 82. Executive Order 10163 of September 25, 1950 (''The Armed Forces Reserve Medal''), as amended, is further amended by striking ''the Secretary of the Treasury'' in sections 2 and 7 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 83. Executive Order 10113 of February 24, 1950 (''Delegating the Authority of the President to Prescribe Clothing Allowances, and Cash Allowances in lieu thereof, for Enlisted Men in the Armed Forces''), as amended, is further amended by striking ''the Secretary of the Treasury'' in sections 1 and 2 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 84. Executive Order 4601 of March 1, 1927 (''Distinguished Flying Cross''), as amended, is further amended by:

(a) striking ''The Secretary of War, the Secretary of the Navy,'' in sections 2 and 12 and inserting ''The Secretary of Defense'' in lieu thereof; and

(b) striking ''the Secretary of the Treasury'' in sections 2 and 12 and inserting ''the Secretary of Homeland Security'' in lieu thereof.

Sec. 85. *Designation as a Defense Agency of the United States.*

I hereby designate the Department of Homeland Security as a defense agency of the United States for the purposes of chapter 17 of title 35 of the United States Code.

Sec. 86. *Exception from the Provisions of the Government Employees Training Act.*

Those elements of the Department of Homeland Security that are supervised by the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection through the Department's Assistant Secretary for Information Analysis are, pursuant to section 4102(b)(1) of title 5, United States Code, and in the public interest, excepted from the following provisions of the Government Employees Training Act as codified in title 5: sections 4103(a)(1), 4108, 4115, 4117, and 4118, and that part of 4109(a) that provides ''under the regulations prescribed under section 4118(a)(8) of this title and''.

Sec. 87. *Functions of Certain Officials in the Coast Guard.*

The Commandant and the Assistant Commandant for Intelligence of the Coast Guard each shall be considered a ''Senior Official of the Intelligence Community'' for purposes of Executive Order 12333 of December 4, 1981, and all other relevant authorities.

Sec. 88. *Order of Succession.*

Subject to the provisions of subsection (b) of this section, the officers named in subsection (a) of this section, in the order listed, shall act as, and perform the functions and duties of, the office of Secretary of Homeland Security (''Secretary'') during any period in which the Secretary has died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary.

(a) Order of Succession.

(i) Deputy Secretary of Homeland Security;

(ii) Under Secretary for Border and Transportation Security;

(iii) Under Secretary for Emergency Preparedness and Response;

(iv) Under Secretary for Information Analysis and Infrastructure Protection;

(v) Under Secretary for Management;

(vi) Under Secretary for Science and Technology;

(vii) General Counsel; and

(viii) Assistant Secretaries in the Department in the order of their date of appointment as such.

(b) Exceptions.

(i) No individual who is serving in an office listed in subsection (a) in an acting capacity shall act as Secretary pursuant to this section.

(ii) Notwithstanding the provisions of this section, the President retains discretion, to the extent permitted by the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, to depart from this order in designating an acting Secretary.

Sec. 89. *Savings Provision.*

Except as otherwise specifically provided above or in Executive Order 13284 of January 23, 2003 (''Amendment of Executive Orders, and Other Actions, in Connection With the Establishment of the Department of Homeland Security''), references in any prior Executive Order relating to an agency or

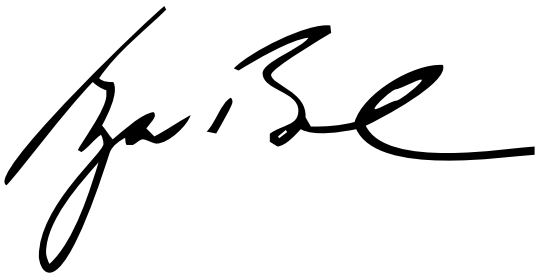
an agency component that is transferred to the Department of Homeland Security (''the Department''), or relating to a function that is transferred to the Secretary of Homeland Security, shall be deemed to refer, as appropriate, to the Department or its officers, employees, agents, organizational units, or functions.

Sec. 90. Nothing in this order shall be construed to impair or otherwise affect the authority of the Secretary of Defense with respect to the Department of Defense, including the chain of command for the armed forces of the United States under section 162(b) of title 10, United States Code, and the authority of the Secretary of Defense with respect to the Department of Defense under section 113(b) of that title.

Sec. 91. Nothing in this order shall be construed to limit or restrict the authorities of the Central Intelligence Agency and the Director of Central Intelligence pursuant to the National Security Act of 1947 and the CIA Act of 1949.

Sec. 92. This order shall become effective on March 1, 2003.

Sec. 93. This order does not create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,
February 28, 2003.

[FR Doc. 03–5343
Filed 3–4–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13287
Preserve America

Signed: March 3, 2003
Federal Register page and date: 68 FR 10635, March 5, 2003

Presidential Documents

Title 3—

The President

Executive Order 13287 of March 3, 2003

Preserve America

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 *et seq.*) (NHPA) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), it is hereby ordered:

Section 1. *Statement of Policy.* It is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values. Where consistent with executive branch department and agency missions, governing law, applicable preservation standards, and where appropriate, executive branch departments and agencies (''agency'' or ''agencies'') shall advance this policy through the protection and continued use of the historic properties owned by the Federal Government, and by pursuing partnerships with State and local governments, Indian tribes, and the private sector to promote the preservation of the unique cultural heritage of communities and of the Nation and to realize the economic benefit that these properties can provide. Agencies shall maximize efforts to integrate the policies, procedures, and practices of the NHPA and this order into their program activities in order to efficiently and effectively advance historic preservation objectives in the pursuit of their missions.

Sec. 2. *Building Preservation Partnerships.* When carrying out its mission activities, each agency, where consistent with its mission and governing authorities, and where appropriate, shall seek partnerships with State and local governments, Indian tribes, and the private sector to promote local economic development and vitality through the use of historic properties in a manner that contributes to the long-term preservation and productive use of those properties. Each agency shall examine its policies, procedures, and capabilities to ensure that its actions encourage, support, and foster public-private initiatives and investment in the use, reuse, and rehabilitation of historic properties, to the extent such support is not inconsistent with other provisions of law, the Secretary of the Interior's Standards for Archeology and Historic Preservation, and essential national department and agency mission requirements.

Sec. 3. *Improving Federal Agency Planning and Accountability.* (a) Accurate information on the state of Federally owned historic properties is essential to achieving the goals of this order and to promoting community economic development through local partnerships. Each agency with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties required by section 110(a)(2) of the NHPA (16 U.S.C. 470h–2(a)(2)), the general condition and management needs of such properties, and the steps underway or planned to meet those management needs. The assessment shall also include an evaluation of the suitability of the agency's types of historic properties to contribute to community economic development initiatives, including heritage tourism, taking into

account agency mission needs, public access considerations, and the long-term preservation of the historic properties. No later than September 30, 2004, each covered agency shall complete a report of the assessment and make it available to the Chairman of the Advisory Council on Historic Preservation (Council) and the Secretary of the Interior (Secretary).

(b) No later than September 30, 2004, each agency with real property management responsibilities shall review its regulations, management policies, and operating procedures for compliance with sections 110 and 111 of the NHPA (16 U.S.C. 470h–2 & 470–3) and make the results of its review available to the Council and the Secretary. If the agency determines that its regulations, management policies, and operating procedures are not in compliance with those authorities, the agency shall make amendments or revisions to bring them into compliance.

(c) Each agency with real property management responsibilities shall, by September 30, 2005, and every third year thereafter, prepare a report on its progress in identifying, protecting, and using historic properties in its ownership and make the report available to the Council and the Secretary. The Council shall incorporate this data into a report on the state of the Federal Government's historic properties and their contribution to local economic development and submit this report to the President by February 15, 2006, and every third year thereafter.

(d) Agencies may use existing information gathering and reporting systems to fulfill the assessment and reporting requirements of subsections 3(a)–(c) of this order. To assist agencies, the Council, in consultation with the Secretary, shall, by September 30, 2003, prepare advisory guidelines for agencies to use at their discretion.

(e) No later than June 30, 2003, the head of each agency shall designate a senior policy level official to have policy oversight responsibility for the agency's historic preservation program and notify the Council and the Secretary of the designation. This senior official shall be an assistant secretary, deputy assistant secretary, or the equivalent, as appropriate to the agency organization. This official, or a subordinate employee reporting directly to the official, shall serve as the agency's Federal Preservation Officer in accordance with section 110(c) of the NHPA. The senior official shall ensure that the Federal Preservation Officer is qualified consistent with guidelines established by the Secretary for that position and has access to adequate expertise and support to carry out the duties of the position.

Sec. 4. *Improving Federal Stewardship of Historic Properties.* (a) Each agency shall ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets and, where consistent with agency missions, governing law, and the nature of the properties, contributes to the local community and its economy.

(b) Where consistent with agency missions and the Secretary of the Interior's Standards for Archeology and Historic Preservation, and where appropriate, agencies shall cooperate with communities to increase opportunities for public benefit from, and access to, Federally owned historic properties.

(c) The Council is directed to use its existing authority to encourage and accept donations of money, equipment, and other resources from public and private parties to assist other agencies in the preservation of historic properties in Federal ownership to fulfill the goals of the NHPA and this order.

(d) The National Park Service, working with the Council and in consultation with other agencies, shall make available existing materials and information for education, training, and awareness of historic property stewardship to ensure that all Federal personnel have access to information and can develop the skills necessary to continue the productive use of Federally owned historic properties while meeting their stewardship responsibilities.

(e) The Council, in consultation with the National Park Service and other agencies, shall encourage and recognize exceptional achievement by such agencies in meeting the goals of the NHPA and this order. By March 31, 2004, the Council shall submit to the President and the heads of agencies recommendations to further stimulate initiative, creativity, and efficiency in the Federal stewardship of historic properties.

Sec. 5. *Promoting Preservation Through Heritage Tourism.*

(a) To the extent permitted by law and within existing resources, the Secretary of Commerce, working with the Council and other agencies, shall assist States, Indian tribes, and local communities in promoting the use of historic properties for heritage tourism and related economic development in a manner that contributes to the long-term preservation and productive use of those properties. Such assistance shall include efforts to strengthen and improve heritage tourism activities throughout the country as they relate to Federally owned historic properties and significant natural assets on Federal lands.

(b) Where consistent with agency missions and governing law, and where appropriate, agencies shall use historic properties in their ownership in conjunction with State, tribal, and local tourism programs to foster viable economic partnerships, including, but not limited to, cooperation and coordination with tourism officials and others with interests in the properties.

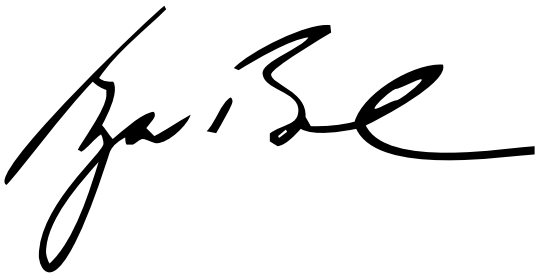
Sec. 6. *National and Homeland Security Considerations.*

Nothing in this order shall be construed to require any agency to take any action or disclose any information that would conflict with or compromise national and homeland security goals, policies, programs, or activities.

Sec. 7. *Definitions.* For the purposes of this order, the term ''historic property'' means any prehistoric or historic district, site, building, structure, and object included on or eligible for inclusion on the National Register of Historic Places in accordance with section 301(5) of the NHPA (16 U.S.C. 470w(5)). The term ''heritage tourism'' means the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale's history, landscape (including trail systems), and culture. The terms ''Federally owned'' and ''in Federal ownership,'' and similar terms, as used in this order, do not include properties acquired by agencies as a result of foreclosure or similar actions and that are held for a period of less than 5 years.

Sec. 8. *Judicial Review.* This order is intended only to improve the internal management of the Federal Government and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments,

agencies, instrumentalities or entities, its officers or employees, or any other person.



THE WHITE HOUSE,
March 3, 2003.

[FR Doc. 03–05344
Filed 3–4–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13288

Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe

Signed: March 6, 2003

Federal Register page and date: 68 FR 11457, March 10, 2003

See: Notice of March 2, 2004 (69 FR 10313)

Federal Register

Monday,
March 10, 2003

Part IV

The President

Executive Order 13288—Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe

Federal Register
Vol. 68, No. 46
Monday, March 10, 2003

Presidential Documents

Title 3—

The President

Executive Order 13288 of March 6, 2003

Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, have determined that the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions, contributing to the deliberate breakdown in the rule of law in Zimbabwe, to politically motivated violence and intimidation in that country, and to political and economic instability in the southern African region, constitute an unusual and extraordinary threat to the foreign policy of the United States, and I hereby declare a national emergency to deal with that threat.

I hereby order:

Section 1. Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)), and in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(a) the persons listed in the Annex to this order; and

(b) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any of the persons listed in the Annex to this order.

Sec. 2. (a) Any transaction or dealing by a United States person or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of any person listed in the Annex to this order or who is the subject of a determination under subsection 1(b) of this order.

(b) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(c) Any conspiracy formed to violate the prohibitions set forth in this order is prohibited.

Sec. 3. For the purposes of this order:

(a) The term ''person'' means an individual or entity;

(b) The term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization; and

(c) The term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United

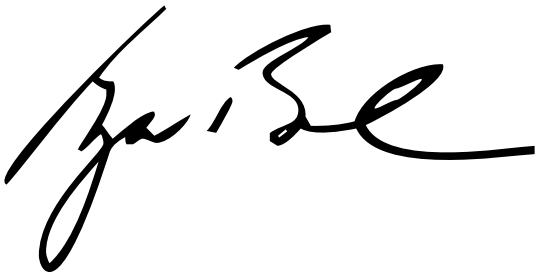
States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 5. This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees, or any other person.

Sec. 6. (a) This order is effective at 12:01 eastern standard time on March 7, 2003; and

(b) This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
March 6, 2003.

Billing code 3195–01–P

ANNEX

1. Robert Gabriel MUGABE [President of Zimbabwe, born 21 Feb. 1924]

2. Flora BUKA [Minister of State for Land Reform, born 25 Feb. 1968]

3. George CHARAMBA [Permanent Secretary, Ministry of Information, born 4 Apr. 1963]

4. Fortune CHARUMBIRA [Deputy Minister for Local Government, Public Works, and National Housing, born 10 June 1962]

5. Aeneas CHIGWEDERE [Minister of Education, Sports and Culture, born 25 Nov. 1939]

6. Augustine CHIHURI [Police Commissioner, born 10 Mar. 1953]

7. Enos CHIKOWORE [Politburo Secretary for Land and Resettlement, born 17 July 1942]

8. Patrick CHINAMASA [Minister of Justice, born 25 Jan. 1947]

9. Edward CHINDORI-CHININGA [Minister of Mines, born 14 Mar. 1955]

10. Constantine CHIWENGA [Lt. Gen., Commander of the Army, born 25 Aug. 1956]

11. Willard CHIWEWE [Senior Secretary, Ministry of Foreign Affairs, born 19 Mar. 1949]

12. Ignatius CHOMBO [Minister of Local Government, born 1 Aug. 1952]

13. Dumiso DABENGWA [Politburo Senior Committee Member, born 6 Dec. 1939]

14. Nicholas GOCHE [Minister of State for National Security, born 1 Aug. 1946]

15. Rugare GUMBO [Deputy Minister for Home Affairs, born 8 Mar. 1940]

16. Richard HOVE [Politburo Secretary for Economic Affairs, born 23 Sept. 1939]

17. David KARIMANZIRA [Politburo Secretary for Finance, born 25 May 1947]

18. Saviour KASUKUWERE [Deputy-Secretary for Youth Affairs, born 23 Oct. 1970]

19. Christopher KURUNERI [Deputy Minister, Finance and Economic Development, born 4 Apr. 1949]

20. Thenjiwe LESABE [Politburo Secretary for Women's Affairs, born 5 Jan. 1933]

21. Jaison MACHAYA [Deputy Minister for Mines and Mining Development, born 13 June 1952]

22. Joseph MADE [Minister of Agriculture, born 21 Nov. 1954]

23. Edna MADZONGWE [Deputy-Secretary for Production and Labor, born 11 July 1943]

24. Shuvai MAHOFA [Deputy Minister for Youth Development, Gender and Employment Creation, born 4 Apr. 1941]

25. Joshua MALINGA [Deputy-Secretary for Disabled and Disadvantaged, born 28 Apr. 1944]

26. Paul MANGWANA [Minister of State for State Enterprises and Parastatals, born 10 Aug. 1961]

27. Witness MANGWENDE [Minister of Transport and Communications, born 15 Aug. 1946]

28. Elliot MANYIKA [Minister of Youth Development, born 30 July 1955]

29. Kenneth MANYONDA [Deputy Minister for Industry and International Trade, born 10 Aug. 1934]

30. Reuben MARUMAHOKO [Deputy Minister for Energy and Power Development, born 4 Apr. 1948]

31. Angeline MASUKU [Politburo Secretary for Disabled and Disadvantaged Person's Welfare, born 14 Oct. 1936]

32. Sithokozile MATHUTHU [Deputy-Secretary for Transport and Social Welfare]

33. Amos Bernard Muvenga MIDZI [Minister for Energy and Development, born 4 July 1952]

34. Emmerson MNANGAGWA [Parliamentary Speaker, born 15 Sept. 1946]

35. Kembo MOHADI [Minister of Home Affairs, born 15 Nov. 1949]

36. Swithun MOMBESHORA [Minister of Higher Education, born 20 Aug. 1945]

37. Jonathan MOYO [Minister of Information, born 12 Jan. 1957]

38. July MOYO [Minister of Public Service, Labor and Social Welfare, born 7 May 1950]

39. Simon Khaya MOYO [Deputy-Secretary for Legal Affairs, born 1945]

40. Obert MPOFU [Deputy-Secretary for National Security, born 12 Oct. 1951]

41. Joseph MSIKA [Vice President, born 6 Dec. 1923]

42. Olivia MUCHENA [Minister of State for Science and Technology Development, born 18 Aug. 1946]

43. Opah MUCHINGURI [Politburo Secretary for Gender and Culture, born 14 Dec. 1958]

44. Stan MUDENGE [Minister of Foreign Affairs, born 17 Dec. 1948]

45. Grace MUGABE [born 23 July 1965]

46. Sabina MUGABE [Politburo Senior Committee Member, born 14 Oct. 1934]

47. Joyce MUJURU [Minister of Rural Resources and Water, born 15 Apr. 1955]

48. Solomon MUJURU [Politburo Senior Committee Member, born 1 May 1949]

49. Samuel MUMBENGEGWI [Minister of Industry and International Trade, born 20 July 1945]

50. Herbert MURERWA [Minister of Finance, born 31 July 1941]

51. Christopher MUSHOHWE [Deputy Minister, Transport and Communications, born 6 Feb. 1954]

52. Didymus MUTASA [Politburo Secretary for External Relations, born 27 July 1935]

53. Kenneth MUTIWEKUZIVA [Deputy Minister for Small and Medium Enterprise Development, born 27 May 1948]

54. Simon Vengesai MUZENDA [Vice President, born 28 Oct. 1922]

55. Tsitsi MUZENDA [Politburo Senior Committee Member, born 28 Aug. 1922]

56. Elisha MUZONZINI [Director of the Central Intelligence Organization, born 24 June 1957]

57. Abedinico NCUBE [Deputy Minister, Foreign Affairs, born 13 March 1954]

58. Naison NDLOVU [Politburo Secretary for Production and Labor, born 22 Oct. 1930]

59. Sikhanyiso NDLOVU [Deputy-Secretary for Commissariat, born 20 Sept. 1949]

60. Francis NHEMA [Minister of Environment and Tourism, born 17 Apr. 1959]

61. John NKOMO [Minister of State for Special Affairs, born 22 Aug. 1934]

62. Stephen NKOMO [Politburo Senior Committee Member, born 3 Oct. 1926]

63. Sithembiso NYONI [Minister of Small and Medium Enterprises Development, born 20 Sept. 1949]

64. David PARIRENYATWA [Minister of Health and Child Welfare, born 2 Aug. 1950]

65. Selina POTE [Deputy-Secretary for Gender and Culture]

66. Tinos RUSERE [Deputy Minister for Rural Resources and Water Development, born 10 May 1945]

67. Stanley SAKUPWANYA [Deputy-Secretary for Health and Child Welfare]

68. Sidney SEKERAMAYI [Minister of Defense, born 30 Mar. 1944]

69. Nathan SHAMUYARIRA [Politburo Secretary for Information and Publicity, born 29 Sept. 1928]

70. Perence SHIRI [Air Marshal (Air Force), born 11 Jan. 1955]

71. Isaiah SHUMBA [Deputy Minister, Education, Sports and Culture, born 3 Jan. 1949]

72. Absolom SIKOSANA [Politburo Secretary for Youth Affairs]

73. Solomon TAWENGWA [Deputy-Secretary for Finance, born 15 June 1940]

74. Josiah TUNGAMIRAI [Politburo Secretary for Empowerment and Indigenization, born 8 Oct. 1948]

75. Charles UTETE [Cabinet Secretary, born 30 Oct. 1938]

76. Paradzai ZIMONDI [Prisons chief, born 4 Mar. 1947]

77. Vitalis ZVINAVASHE [General, Commander of Zimbabwe Defense Forces, born 27 Sept. 1943]

Note: The bracketed identifying information with respect to each person listed in this Annex reflects information currently available and is provided solely to facilitate compliance with this order. Each individual listed in this Annex remains subject to the prohibitions of this order notwithstanding any change in title, position, or affiliation.

[FR Doc. 03–5848
Filed 3–7–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13289
Establishing the Global War on Terrorism Medals

Signed: March 12, 2003
Federal Register page and date: 68 FR 12567, March 14, 2003
See: EO 10977, December 4, 1961; EO 12985, January 11, 1996



Federal Register

Friday,
March 14, 2003

Part VIII

The President

Executive Order 13289—Establishing the Global War on Terrorism Medals

Federal Register
Vol. 68, No. 50
Friday, March 14, 2003

Presidential Documents

Title 3—

The President

Executive Order 13289 of March 12, 2003

Establishing the Global War on Terrorism Medals

By the authority vested in me as President by the Constitution and the laws of the United States of America, including my authority as Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

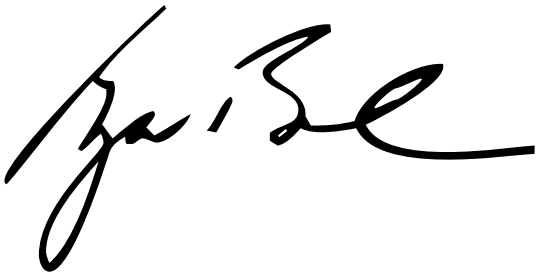
Section 1. Global War on Terrorism Expeditionary Medal. There is hereby established the Global War on Terrorism Expeditionary Medal with suitable appurtenances. Except as limited in section 3 of this order, and under uniform regulations to be prescribed by the Secretaries of the military departments and approved by the Secretary of Defense, or under regulations to be prescribed by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, the Global War on Terrorism Expeditionary Medal shall be awarded to members of the Armed Forces of the United States who serve or have served in military expeditions to combat terrorism, as defined by such regulations, on or after September 11, 2001, and before a terminal date to be prescribed by the Secretary of Defense.

Sec. 2. Global War on Terrorism Service Medal. There is hereby established the Global War on Terrorism Service Medal with suitable appurtenances. Except as limited in section 3 of this order, and under uniform regulations to be prescribed by the Secretaries of the military departments and approved by the Secretary of Defense, or under regulations to be prescribed by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, the Global War on Terrorism Service Medal shall be awarded to members of the Armed Forces of the United States who serve or have served in military operations to combat terrorism, as defined by such regulations, on or after September 11, 2001, and before a terminal date to be prescribed by the Secretary of Defense.

Sec. 3. Relationship to Other Awards. Notwithstanding section 3 of Executive Order 10977 of December 4, 1961, establishing the Armed Forces Expeditionary Medal and section 3 of Executive Order 12985 of January 11, 1996, establishing the Armed Forces Service Medal, any member who qualified for those medals by reason of service in operations to combat terrorism between September 11, 2001, and a terminal date to be determined by the Secretary of Defense, shall remain qualified for those medals. Upon application, any such member may be awarded either the Global War on Terrorism Expeditionary Medal or the Global War on Terrorism Service Medal in lieu of the Armed Forces Expeditionary Medal or the Armed Forces Service Medal, but no person may be awarded more than one of these four medals by reason of service in the same approved Global War on Terrorism expedition or operation to combat terrorism, and no person shall be entitled to more than one award of the Global War on Terrorism Expeditionary Medal or the Global War on Terrorism Service Medal.

Sec. 4. Posthumous Award. The Global War on Terrorism Expeditionary Medal and the Global War on Terrorism Service Medal may be awarded posthumously to any person covered by and under regulations prescribed in accordance with the first or second sections of this order.

Sec. 5. Nothing in this Executive Order shall be construed for any purpose as fixing, or authorizing the fixing of, the dates of initiation or termination of armed hostilities between the United States and terrorists of global reach.



THE WHITE HOUSE,
March 12, 2003.

[FR Doc. 03–6445
Filed 3–13–03; 12:27 pm]
Billing code 3195–01–P

Executive Order 13290
Confiscating and Vesting Certain Iraqi Property

Signed: March 20, 2003
Federal Register page and date: 68 FR 14307, March 24, 2003
See: EO 13303, May 22, 2003
Amended by: EO 13350, July 29, 2004

Federal Register

Monday,
March 24, 2003

Part IV

The President

Executive Order 13290—Confiscating and Vesting Certain Iraqi Property

Federal Register
Vol. 68, No. 56
Monday, March 24, 2003

Presidential Documents

Title 3—

The President

Executive Order 13290 of March 20, 2003

Confiscating and Vesting Certain Iraqi Property

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, and in order to take additional steps with respect to the national emergency declared in Executive Order 12722 of August 2, 1990,

I, GEORGE W. BUSH, President of the United States of America, hereby determine that the United States and Iraq are engaged in armed hostilities, that it is in the interest of the United States to confiscate certain property of the Government of Iraq and its agencies, instrumentalities, or controlled entities, and that all right, title, and interest in any property so confiscated should vest in the Department of the Treasury. I intend that such vested property should be used to assist the Iraqi people and to assist in the reconstruction of Iraq, and determine that such use would be in the interest of and for the benefit of the United States.

I hereby order:

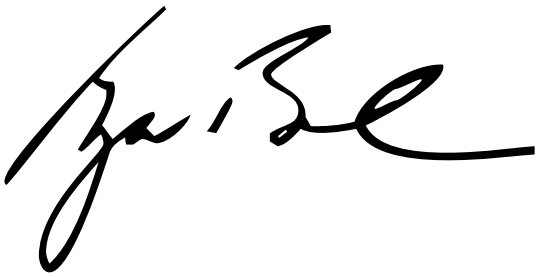
Section 1. All blocked funds held in the United States in accounts in the name of the Government of Iraq, the Central Bank of Iraq, Rafidain Bank, Rasheed Bank, or the State Organization for Marketing Oil are hereby confiscated and vested in the Department of the Treasury, except for the following:

(a) any such funds that are subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, or that enjoy equivalent privileges and immunities under the laws of the United States, and are or have been used for diplomatic or consular purposes, and

(b) any such amounts that as of the date of this order are subject to post-judgment writs of execution or attachment in aid of execution of judgments pursuant to section 201 of the Terrorism Risk Insurance Act of 2002 (Public Law 107 297), provided that, upon satisfaction of the judgments on which such writs are based, any remainder of such excepted amounts shall, by virtue of this order and without further action, be confiscated and vested.

Sec. 2. The Secretary of the Treasury is authorized to perform, without further approval, ratification, or other action of the President, all functions of the President set forth in section 203(a)(1)(C) of IEEPA with respect to any and all property of the Government of Iraq, including its agencies, instrumentalities, or controlled entities, and to take additional steps, including the promulgation of rules and regulations as may be necessary, to carry out the purposes of this order. The Secretary of the Treasury may redelegate such functions in accordance with applicable law. The Secretary of the Treasury shall consult the Attorney General as appropriate in the implementation of this order.

Sec. 3. This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
March 20, 2003.

[FR Doc. 03–7160
Filed 3–21–03; 10:06 am]
Billing code 3195–01–P

Executive Order 13291
Further Adjustment of Certain Rates of Pay

Signed: March 21, 2003
Federal Register page and date: 68 FR 14525, March 25, 2003
Amends: EO 13282, December 31, 2002
See: EO 13322, December 30, 2003

Federal Register

Tuesday,
March 25, 2003

Part V

The President

Executive Order 13291—Further Adjustment of Certain Rates of Pay

Federal Register
Vol. 68, No. 57
Tuesday, March 25, 2003

Presidential Documents

Title 3—

The President

Executive Order 13291 of March 21, 2003

Further Adjustment of Certain Rates of Pay

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that Executive Order 13282 of December 31, 2002, is amended as follows:

Section 1. Section 3(c) of Executive Order 13282 is amended to read as follows:

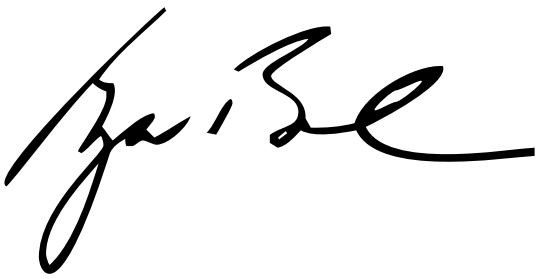
''(c) Justices and judges (28 U.S.C. 5, 44(d), 135, 252, and 461(a), section 140 of Public Law 97–92, and Public Law 108–6) at Schedule 7.''.

Sec. 2. Section 5(a) of Executive Order 13282 is amended to read as follows:

''(a) Pursuant to section 5304 of title 5, United States Code, and in accordance with section 637 of Division J of Public Law 108–7, locality-based comparability payments shall be paid in accordance with Schedule 9 attached hereto and made a part hereof.''.

Sec. 3. Executive Order 13282 is amended by striking Schedules 7 and 9 attached thereto and inserting Schedules 7 and 9 attached hereto and made a part hereof.

Sec. 4. The amendments made by this order are effective on the first day of the first applicable pay period beginning on or after January 1, 2003.



THE WHITE HOUSE,
March 21, 2003.

Billing code 3195–01–P

SCHEDULE 7--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2003)

Chief Justice of the United States	$198,600
Associate Justices of the Supreme Court	190,100
Circuit Judges	164,000
District Judges	154,700
Judges of the Court of International Trade	154,700

SCHEDULE 9--LOCALITY-BASED COMPARABILITY PAYMENTS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2003)

Locality Pay Area[1]	Rate
Atlanta, GA	10.85%
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI	15.00%
Chicago-Gary-Kenosha, IL-IN-WI	16.15%
Cincinnati-Hamilton, OH-KY-IN	13.44%
Cleveland-Akron, OH	11.50%
Columbus, OH	11.78%
Dallas-Fort Worth, TX	12.10%
Dayton-Springfield, OH	10.67%
Denver-Boulder-Greeley, CO	14.77%
Detroit-Ann Arbor-Flint, MI	16.27%
Hartford, CT	15.56%
Houston-Galveston-Brazoria, TX	20.53%
Huntsville, AL	10.06%
Indianapolis, IN	9.83%
Kansas City, MO-KS	10.26%
Los Angeles-Riverside-Orange County, CA	17.71%
Miami-Fort Lauderdale, FL	13.81%
Milwaukee-Racine, WI	11.20%
Minneapolis-St. Paul, MN-WI	12.84%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA	16.83%
Orlando, FL	9.65%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD	13.43%
Pittsburgh, PA	10.52%
Portland-Salem, OR-WA	12.97%
Richmond-Petersburg, VA	10.75%
Sacramento-Yolo, CA	13.29%
St. Louis, MO-IL	9.99%
San Diego, CA	14.07%
San Francisco-Oakland-San Jose, CA	21.08%
Seattle-Tacoma-Bremerton, WA	13.11%
Washington-Baltimore, DC-MD-VA-WV	12.74%
Rest of U.S.	9.62%

[1] Locality Pay Areas are defined in 5 CFR 531.603.

[FR Doc. 03–7313

Filed 3–24–03; 8:58 am]

Billing code 6325–01–C

Executive Order 13292

Further Amendment to Executive Order 12958, as Amended, Classified National Security Information

Signed: March 25, 2003

Federal Register page and date: 68 FR 15315, March 28, 2003

Amends: EO 12958, April 17, 1995

See: EO 12356, April 6, 1982

Federal Register

Friday,
March 28, 2003

Part III

The President

Executive Order 13292—Further Amendment to Executive Order 12958, as Amended, Classified National Security Information

Federal Register
Vol. 68, No. 60
Friday, March 28, 2003

Presidential Documents

Title 3—

The President

Executive Order 13292 of March 25, 2003

Further Amendment to Executive Order 12958, as Amended, Classified National Security Information

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to further amend Executive Order 12958, as amended, it is hereby ordered that Executive Order 12958 is amended to read as follows:

''Classified National Security Information

This order prescribes a uniform system for classifying, safeguarding, and declassifying national security information, including information relating to defense against transnational terrorism. Our democratic principles require that the American people be informed of the activities of their Government. Also, our Nation's progress depends on the free flow of information. Nevertheless, throughout our history, the national defense has required that certain information be maintained in confidence in order to protect our citizens, our democratic institutions, our homeland security, and our interactions with foreign nations. Protecting information critical to our Nation's security remains a priority.

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

PART 1—ORIGINAL CLASSIFICATION

Sec. 1.1. *Classification Standards.* (a) Information may be originally classified under the terms of this order only if all of the following conditions are met:

(1) an original classification authority is classifying the information;

(2) the information is owned by, produced by or for, or is under the control of the United States Government;

(3) the information falls within one or more of the categories of information listed in section 1.4 of this order; and

(4) the original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in damage to the national security, which includes defense against transnational terrorism, and the original classification authority is able to identify or describe the damage.

(b) Classified information shall not be declassified automatically as a result of any unauthorized disclosure of identical or similar information.

(c) The unauthorized disclosure of foreign government information is presumed to cause damage to the national security.

Sec. 1.2. *Classification Levels.* (a) Information may be classified at one of the following three levels:

(1) ''Top Secret'' shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security that the original classification authority is able to identify or describe.

(2) ''Secret'' shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the

national security that the original classification authority is able to identify or describe.

(3) ''Confidential'' shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security that the original classification authority is able to identify or describe.

(b) Except as otherwise provided by statute, no other terms shall be used to identify United States classified information.

Sec. 1.3. *Classification Authority.* (a) The authority to classify information originally may be exercised only by:

(1) the President and, in the performance of executive duties, the Vice President;

(2) agency heads and officials designated by the President in the **Federal Register**; and

(3) United States Government officials delegated this authority pursuant to paragraph (c) of this section.

(b) Officials authorized to classify information at a specified level are also authorized to classify information at a lower level.

(c) Delegation of original classification authority.

(1) Delegations of original classification authority shall be limited to the minimum required to administer this order. Agency heads are responsible for ensuring that designated subordinate officials have a demonstrable and continuing need to exercise this authority.

(2) ''Top Secret'' original classification authority may be delegated only by the President; in the performance of executive duties, the Vice President; or an agency head or official designated pursuant to paragraph (a)(2) of this section.

(3) ''Secret'' or ''Confidential'' original classification authority may be delegated only by the President; in the performance of executive duties, the Vice President; or an agency head or official designated pursuant to paragraph (a)(2) of this section; or the senior agency official described in section 5.4(d) of this order, provided that official has been delegated ''Top Secret'' original classification authority by the agency head.

(4) Each delegation of original classification authority shall be in writing and the authority shall not be redelegated except as provided in this order. Each delegation shall identify the official by name or position title.

(d) Original classification authorities must receive training in original classification as provided in this order and its implementing directives. Such training must include instruction on the proper safeguarding of classified information and of the criminal, civil, and administrative sanctions that may be brought against an individual who fails to protect classified information from unauthorized disclosure.

(e) Exceptional cases. When an employee, government contractor, licensee, certificate holder, or grantee of an agency who does not have original classification authority originates information believed by that person to require classification, the information shall be protected in a manner consistent with this order and its implementing directives. The information shall be transmitted promptly as provided under this order or its implementing directives to the agency that has appropriate subject matter interest and classification authority with respect to this information. That agency shall decide within 30 days whether to classify this information. If it is not clear which agency has classification responsibility for this information, it shall be sent to the Director of the Information Security Oversight Office. The Director shall determine the agency having primary subject matter interest and forward the information, with appropriate recommendations, to that agency for a classification determination.

Sec. 1.4. *Classification Categories.* Information shall not be considered for classification unless it concerns:

(a) military plans, weapons systems, or operations;

(b) foreign government information;

(c) intelligence activities (including special activities), intelligence sources or methods, or cryptology;

(d) foreign relations or foreign activities of the United States, including confidential sources;

(e) scientific, technological, or economic matters relating to the national security, which includes defense against transnational terrorism;

(f) United States Government programs for safeguarding nuclear materials or facilities;

(g) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security, which includes defense against transnational terrorism; or

(h) weapons of mass destruction.

Sec. 1.5. *Duration of Classification.* (a) At the time of original classification, the original classification authority shall attempt to establish a specific date or event for declassification based upon the duration of the national security sensitivity of the information. Upon reaching the date or event, the information shall be automatically declassified. The date or event shall not exceed the time frame established in paragraph (b) of this section.

(b) If the original classification authority cannot determine an earlier specific date or event for declassification, information shall be marked for declassification 10 years from the date of the original decision, unless the original classification authority otherwise determines that the sensitivity of the information requires that it shall be marked for declassification for up to 25 years from the date of the original decision. All information classified under this section shall be subject to section 3.3 of this order if it is contained in records of permanent historical value under title 44, United States Code.

(c) An original classification authority may extend the duration of classification, change the level of classification, or reclassify specific information only when the standards and procedures for classifying information under this order are followed.

(d) Information marked for an indefinite duration of classification under predecessor orders, for example, marked as ''Originating Agency's Determination Required,'' or information classified under predecessor orders that contains no declassification instructions shall be declassified in accordance with part 3 of this order.

Sec. 1.6. *Identification and Markings.* (a) At the time of original classification, the following shall appear on the face of each classified document, or shall be applied to other classified media in an appropriate manner:

(1) one of the three classification levels defined in section 1.2 of this order;

(2) the identity, by name or personal identifier and position, of the original classification authority;

(3) the agency and office of origin, if not otherwise evident;

(4) declassification instructions, which shall indicate one of the following:

(A) the date or event for declassification, as prescribed in section 1.5(a) or section 1.5(c);

(B) the date that is 10 years from the date of original classification, as prescribed in section 1.5(b); or

(C) the date that is up to 25 years from the date of original classification, as prescribed in section 1.5 (b); and

(5) a concise reason for classification that, at a minimum, cites the applicable classification categories in section 1.4 of this order.

(b) Specific information described in paragraph (a) of this section may be excluded if it would reveal additional classified information.

(c) With respect to each classified document, the agency originating the document shall, by marking or other means, indicate which portions are classified, with the applicable classification level, and which portions are unclassified. In accordance with standards prescribed in directives issued under this order, the Director of the Information Security Oversight Office may grant waivers of this requirement. The Director shall revoke any waiver upon a finding of abuse.

(d) Markings implementing the provisions of this order, including abbreviations and requirements to safeguard classified working papers, shall conform to the standards prescribed in implementing directives issued pursuant to this order.

(e) Foreign government information shall retain its original classification markings or shall be assigned a U.S. classification that provides a degree of protection at least equivalent to that required by the entity that furnished the information. Foreign government information retaining its original classification markings need not be assigned a U.S. classification marking provided that the responsible agency determines that the foreign government markings are adequate to meet the purposes served by U.S. classification markings.

(f) Information assigned a level of classification under this or predecessor orders shall be considered as classified at that level of classification despite the omission of other required markings. Whenever such information is used in the derivative classification process or is reviewed for possible declassification, holders of such information shall coordinate with an appropriate classification authority for the application of omitted markings.

(g) The classification authority shall, whenever practicable, use a classified addendum whenever classified information constitutes a small portion of an otherwise unclassified document.

(h) Prior to public release, all declassified records shall be appropriately marked to reflect their declassification.

Sec. 1.7. *Classification Prohibitions and Limitations.*

(a) In no case shall information be classified in order to:

(1) conceal violations of law, inefficiency, or administrative error;

(2) prevent embarrassment to a person, organization, or agency;

(3) restrain competition; or

(4) prevent or delay the release of information that does not require protection in the interest of the national security.

(b) Basic scientific research information not clearly related to the national security shall not be classified.

(c) Information may be reclassified after declassification and release to the public under proper authority only in accordance with the following conditions:

(1) the reclassification action is taken under the personal authority of the agency head or deputy agency head, who determines in writing that the reclassification of the information is necessary in the interest of the national security;

(2) the information may be reasonably recovered; and

(3) the reclassification action is reported promptly to the Director of the Information Security Oversight Office.

(d) Information that has not previously been disclosed to the public under proper authority may be classified or reclassified after an agency has received a request for it under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of section 3.5 of this order only if such classification meets the requirements of this order and is accomplished on a document-by-document basis with

the personal participation or under the direction of the agency head, the deputy agency head, or the senior agency official designated under section 5.4 of this order.

(e) Compilations of items of information that are individually unclassified may be classified if the compiled information reveals an additional association or relationship that: (1) meets the standards for classification under this order; and (2) is not otherwise revealed in the individual items of information. As used in this order, ''compilation'' means an aggregation of pre-existing unclassified items of information.

Sec. 1.8. *Classification Challenges.* (a) Authorized holders of information who, in good faith, believe that its classification status is improper are encouraged and expected to challenge the classification status of the information in accordance with agency procedures established under paragraph (b) of this section.

(b) In accordance with implementing directives issued pursuant to this order, an agency head or senior agency official shall establish procedures under which authorized holders of information are encouraged and expected to challenge the classification of information that they believe is improperly classified or unclassified. These procedures shall ensure that:

(1) individuals are not subject to retribution for bringing such actions;

(2) an opportunity is provided for review by an impartial official or panel; and

(3) individuals are advised of their right to appeal agency decisions to the Interagency Security Classification Appeals Panel (Panel) established by section 5.3 of this order.

PART 2—DERIVATIVE CLASSIFICATION

Sec. 2.1. *Use of Derivative Classification.* (a) Persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or as directed by a classification guide, need not possess original classification authority.

(b) Persons who apply derivative classification markings shall:

(1) observe and respect original classification decisions; and

(2) carry forward to any newly created documents the pertinent classification markings. For information derivatively classified based on multiple sources, the derivative classifier shall carry forward:

(A) the date or event for declassification that corresponds to the longest period of classification among the sources; and

(B) a listing of these sources on or attached to the official file or record copy.

Sec. 2.2. *Classification Guides.* (a) Agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information. These guides shall conform to standards contained in directives issued under this order.

(b) Each guide shall be approved personally and in writing by an official who:

(1) has program or supervisory responsibility over the information or is the senior agency official; and

(2) is authorized to classify information originally at the highest level of classification prescribed in the guide.

(c) Agencies shall establish procedures to ensure that classification guides are reviewed and updated as provided in directives issued under this order.

PART 3—DECLASSIFICATION AND DOWNGRADING

Sec. 3.1. *Authority for Declassification.* (a) Information shall be declassified as soon as it no longer meets the standards for classification under this order.

(b) It is presumed that information that continues to meet the classification requirements under this order requires continued protection. In some exceptional cases, however, the need to protect such information may be outweighed by the public interest in disclosure of the information, and in these cases the information should be declassified. When such questions arise, they shall be referred to the agency head or the senior agency official. That official will determine, as an exercise of discretion, whether the public interest in disclosure outweighs the damage to the national security that might reasonably be expected from disclosure. This provision does not:

(1) amplify or modify the substantive criteria or procedures for classification; or

(2) create any substantive or procedural rights subject to judicial review.

(c) If the Director of the Information Security Oversight Office determines that information is classified in violation of this order, the Director may require the information to be declassified by the agency that originated the classification. Any such decision by the Director may be appealed to the President through the Assistant to the President for National Security Affairs. The information shall remain classified pending a prompt decision on the appeal.

(d) The provisions of this section shall also apply to agencies that, under the terms of this order, do not have original classification authority, but had such authority under predecessor orders.

Sec. 3.2. *Transferred Records.* (a) In the case of classified records transferred in conjunction with a transfer of functions, and not merely for storage purposes, the receiving agency shall be deemed to be the originating agency for purposes of this order.

(b) In the case of classified records that are not officially transferred as described in paragraph (a) of this section, but that originated in an agency that has ceased to exist and for which there is no successor agency, each agency in possession of such records shall be deemed to be the originating agency for purposes of this order. Such records may be declassified or downgraded by the agency in possession after consultation with any other agency that has an interest in the subject matter of the records.

(c) Classified records accessioned into the National Archives and Records Administration (National Archives) as of the effective date of this order shall be declassified or downgraded by the Archivist of the United States (Archivist) in accordance with this order, the directives issued pursuant to this order, agency declassification guides, and any existing procedural agreement between the Archivist and the relevant agency head.

(d) The originating agency shall take all reasonable steps to declassify classified information contained in records determined to have permanent historical value before they are accessioned into the National Archives. However, the Archivist may require that classified records be accessioned into the National Archives when necessary to comply with the provisions of the Federal Records Act. This provision does not apply to records being transferred to the Archivist pursuant to section 2203 of title 44, United States Code, or records for which the National Archives serves as the custodian of the records of an agency or organization that has gone out of existence.

(e) To the extent practicable, agencies shall adopt a system of records management that will facilitate the public release of documents at the time such documents are declassified pursuant to the provisions for automatic declassification in section 3.3 of this order.

Sec. 3.3. *Automatic Declassification.* (a) Subject to paragraphs (b)–(e) of this section, on December 31, 2006, all classified records that (1) are more than 25 years old and (2) have been determined to have permanent historical value under title 44, United States Code, shall be automatically declassified whether or not the records have been reviewed. Subsequently, all classified records shall be automatically declassified on December 31 of the year

that is 25 years from the date of its original classification, except as provided in paragraphs (b)–(e) of this section.

(b) An agency head may exempt from automatic declassification under paragraph (a) of this section specific information, the release of which could be expected to:

(1) reveal the identity of a confidential human source, or a human intelligence source, or reveal information about the application of an intelligence source or method;

(2) reveal information that would assist in the development or use of weapons of mass destruction;

(3) reveal information that would impair U.S. cryptologic systems or activities;

(4) reveal information that would impair the application of state of the art technology within a U.S. weapon system;

(5) reveal actual U.S. military war plans that remain in effect;

(6) reveal information, including foreign government information, that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(7) reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other protectees for whom protection services, in the interest of the national security, are authorized;

(8) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans or reveal current vulnerabilities of systems, installations, infrastructures, or projects relating to the national security; or

(9) violate a statute, treaty, or international agreement.

(c) An agency head shall notify the President through the Assistant to the President for National Security Affairs of any specific file series of records for which a review or assessment has determined that the information within that file series almost invariably falls within one or more of the exemption categories listed in paragraph (b) of this section and which the agency proposes to exempt from automatic declassification. The notification shall include:

(1) a description of the file series;

(2) an explanation of why the information within the file series is almost invariably exempt from automatic declassification and why the information must remain classified for a longer period of time; and

(3) except for the identity of a confidential human source or a human intelligence source, as provided in paragraph (b) of this section, a specific date or event for declassification of the information. The President may direct the agency head not to exempt the file series or to declassify the information within that series at an earlier date than recommended. File series exemptions previously approved by the President shall remain valid without any additional agency action.

(d) At least 180 days before information is automatically declassified under this section, an agency head or senior agency official shall notify the Director of the Information Security Oversight Office, serving as Executive Secretary of the Panel, of any specific information beyond that included in a notification to the President under paragraph (c) of this section that the agency proposes to exempt from automatic declassification. The notification shall include:

(1) a description of the information, either by reference to information in specific records or in the form of a declassification guide;

(2) an explanation of why the information is exempt from automatic declassification and must remain classified for a longer period of time; and

(3) except for the identity of a confidential human source or a human intelligence source, as provided in paragraph (b) of this section, a specific date or event for declassification of the information. The Panel may direct the agency not to exempt the information or to declassify it at an earlier date than recommended. The agency head may appeal such a decision to the President through the Assistant to the President for National Security Affairs. The information will remain classified while such an appeal is pending.

(e) The following provisions shall apply to the onset of automatic declassification:

(1) Classified records within an integral file block, as defined in this order, that are otherwise subject to automatic declassification under this section shall not be automatically declassified until December 31 of the year that is 25 years from the date of the most recent record within the file block.

(2) By notification to the Director of the Information Security Oversight Office, before the records are subject to automatic declassification, an agency head or senior agency official designated under section 5.4 of this order may delay automatic declassification for up to 5 additional years for classified information contained in microforms, motion pictures, audiotapes, videotapes, or comparable media that make a review for possible declassification exemptions more difficult or costly.

(3) By notification to the Director of the Information Security Oversight Office, before the records are subject to automatic declassification, an agency head or senior agency official designated under section 5.4 of this order may delay automatic declassification for up to 3 years for classified records that have been referred or transferred to that agency by another agency less than 3 years before automatic declassification would otherwise be required.

(4) By notification to the Director of the Information Security Oversight Office, an agency head or senior agency official designated under section 5.4 of this order may delay automatic declassification for up to 3 years from the date of discovery of classified records that were inadvertently not reviewed prior to the effective date of automatic declassification.

(f) Information exempted from automatic declassification under this section shall remain subject to the mandatory and systematic declassification review provisions of this order.

(g) The Secretary of State shall determine when the United States should commence negotiations with the appropriate officials of a foreign government or international organization of governments to modify any treaty or international agreement that requires the classification of information contained in records affected by this section for a period longer than 25 years from the date of its creation, unless the treaty or international agreement pertains to information that may otherwise remain classified beyond 25 years under this section.

(h) Records containing information that originated with other agencies or the disclosure of which would affect the interests or activities of other agencies shall be referred for review to those agencies and the information of concern shall be subject to automatic declassification only by those agencies, consistent with the provisions of subparagraphs (e)(3) and (e)(4) of this section.

Sec. 3.4. *Systematic Declassification Review.* (a) Each agency that has originated classified information under this order or its predecessors shall establish and conduct a program for systematic declassification review. This program shall apply to records of permanent historical value exempted from automatic declassification under section 3.3 of this order. Agencies

shall prioritize the systematic review of records based upon the degree of researcher interest and the likelihood of declassification upon review.

(b) The Archivist shall conduct a systematic declassification review program for classified records: (1) accessioned into the National Archives as of the effective date of this order; (2) transferred to the Archivist pursuant to section 2203 of title 44, United States Code; and (3) for which the National Archives serves as the custodian for an agency or organization that has gone out of existence. This program shall apply to pertinent records no later than 25 years from the date of their creation. The Archivist shall establish priorities for the systematic review of these records based upon the degree of researcher interest and the likelihood of declassification upon review. These records shall be reviewed in accordance with the standards of this order, its implementing directives, and declassification guides provided to the Archivist by each agency that originated the records. The Director of the Information Security Oversight Office shall ensure that agencies provide the Archivist with adequate and current declassification guides.

(c) After consultation with affected agencies, the Secretary of Defense may establish special procedures for systematic review for declassification of classified cryptologic information, and the Director of Central Intelligence may establish special procedures for systematic review for declassification of classified information pertaining to intelligence activities (including special activities), or intelligence sources or methods.

Sec. 3.5. *Mandatory Declassification Review.* (a) Except as provided in paragraph (b) of this section, all information classified under this order or predecessor orders shall be subject to a review for declassification by the originating agency if:

(1) the request for a review describes the document or material containing the information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort;

(2) the information is not exempted from search and review under sections 105C, 105D, or 701 of the National Security Act of 1947 (50 U.S.C. 403–5c, 403–5e, and 431); and

(3) the information has not been reviewed for declassification within the past 2 years. If the agency has reviewed the information within the past 2 years, or the information is the subject of pending litigation, the agency shall inform the requester of this fact and of the requester's appeal rights.

(b) Information originated by:

(1) the incumbent President or, in the performance of executive duties, the incumbent Vice President;

(2) the incumbent President's White House Staff or, in the performance of executive duties, the incumbent Vice President's Staff;

(3) committees, commissions, or boards appointed by the incumbent President; or

(4) other entities within the Executive Office of the President that solely advise and assist the incumbent President is exempted from the provisions of paragraph (a) of this section. However, the Archivist shall have the authority to review, downgrade, and declassify papers or records of former Presidents under the control of the Archivist pursuant to sections 2107, 2111, 2111 note, or 2203 of title 44, United States Code. Review procedures developed by the Archivist shall provide for consultation with agencies having primary subject matter interest and shall be consistent with the provisions of applicable laws or lawful agreements that pertain to the respective Presidential papers or records. Agencies with primary subject matter interest shall be notified promptly of the Archivist's decision. Any final decision by the Archivist may be appealed by the requester or an agency to the Panel. The information shall remain classified pending a prompt decision on the appeal.

(c) Agencies conducting a mandatory review for declassification shall declassify information that no longer meets the standards for classification

under this order. They shall release this information unless withholding is otherwise authorized and warranted under applicable law.

(d) In accordance with directives issued pursuant to this order, agency heads shall develop procedures to process requests for the mandatory review of classified information. These procedures shall apply to information classified under this or predecessor orders. They also shall provide a means for administratively appealing a denial of a mandatory review request, and for notifying the requester of the right to appeal a final agency decision to the Panel.

(e) After consultation with affected agencies, the Secretary of Defense shall develop special procedures for the review of cryptologic information; the Director of Central Intelligence shall develop special procedures for the review of information pertaining to intelligence activities (including special activities), or intelligence sources or methods; and the Archivist shall develop special procedures for the review of information accessioned into the National Archives.

Sec. 3.6. *Processing Requests and Reviews.* In response to a request for information under the Freedom of Information Act, the Privacy Act of 1974, or the mandatory review provisions of this order, or pursuant to the automatic declassification or systematic review provisions of this order:

(a) An agency may refuse to confirm or deny the existence or nonexistence of requested records whenever the fact of their existence or nonexistence is itself classified under this order or its predecessors.

(b) When an agency receives any request for documents in its custody that contain information that was originally classified by another agency, or comes across such documents in the process of the automatic declassification or systematic review provisions of this order, it shall refer copies of any request and the pertinent documents to the originating agency for processing, and may, after consultation with the originating agency, inform any requester of the referral unless such association is itself classified under this order or its predecessors. In cases in which the originating agency determines in writing that a response under paragraph (a) of this section is required, the referring agency shall respond to the requester in accordance with that paragraph.

Sec. 3.7. *Declassification Database.* (a) The Director of the Information Security Oversight Office, in conjunction with those agencies that originate classified information, shall coordinate the linkage and effective utilization of existing agency databases of records that have been declassified and publicly released.

(b) Agency heads shall fully cooperate with the Director of the Information Security Oversight Office in these efforts.

PART 4—SAFEGUARDING

Sec. 4.1. *General Restrictions on Access.* (a) A person may have access to classified information provided that:

(1) a favorable determination of eligibility for access has been made by an agency head or the agency head's designee;

(2) the person has signed an approved nondisclosure agreement; and

(3) the person has a need-to-know the information.

(b) Every person who has met the standards for access to classified information in paragraph (a) of this section shall receive contemporaneous training on the proper safeguarding of classified information and on the criminal, civil, and administrative sanctions that may be imposed on an individual who fails to protect classified information from unauthorized disclosure.

(c) Classified information shall remain under the control of the originating agency or its successor in function. An agency shall not disclose information originally classified by another agency without its authorization. An official or employee leaving agency service may not remove classified information from the agency's control.

(d) Classified information may not be removed from official premises without proper authorization.

(e) Persons authorized to disseminate classified information outside the executive branch shall ensure the protection of the information in a manner equivalent to that provided within the executive branch.

(f) Consistent with law, directives, and regulation, an agency head or senior agency official shall establish uniform procedures to ensure that automated information systems, including networks and telecommunications systems, that collect, create, communicate, compute, disseminate, process, or store classified information have controls that:

(1) prevent access by unauthorized persons; and

(2) ensure the integrity of the information.

(g) Consistent with law, directives, and regulation, each agency head or senior agency official shall establish controls to ensure that classified information is used, processed, stored, reproduced, transmitted, and destroyed under conditions that provide adequate protection and prevent access by unauthorized persons.

(h) Consistent with directives issued pursuant to this order, an agency shall safeguard foreign government information under standards that provide a degree of protection at least equivalent to that required by the government or international organization of governments that furnished the information. When adequate to achieve equivalency, these standards may be less restrictive than the safeguarding standards that ordinarily apply to United States ''Confidential'' information, including modified handling and transmission and allowing access to individuals with a need-to-know who have not otherwise been cleared for access to classified information or executed an approved nondisclosure agreement.

(i) Except as otherwise provided by statute, this order, directives implementing this order, or by direction of the President, classified information originating in one agency shall not be disseminated outside any other agency to which it has been made available without the consent of the originating agency. An agency head or senior agency official may waive this requirement for specific information originated within that agency. For purposes of this section, the Department of Defense shall be considered one agency. Prior consent is not required when referring records for declassification review that contain information originating in several agencies.

Sec. 4.2. *Distribution Controls.* (a) Each agency shall establish controls over the distribution of classified information to ensure that it is distributed only to organizations or individuals eligible for access and with a need-to-know the information.

(b) In an emergency, when necessary to respond to an imminent threat to life or in defense of the homeland, the agency head or any designee may authorize the disclosure of classified information to an individual or individuals who are otherwise not eligible for access. Such actions shall be taken only in accordance with the directives implementing this order and any procedures issued by agencies governing the classified information, which shall be designed to minimize the classified information that is disclosed under these circumstances and the number of individuals who receive it. Information disclosed under this provision or implementing directives and procedures shall not be deemed declassified as a result of such disclosure or subsequent use by a recipient. Such disclosures shall be reported promptly to the originator of the classified information. For purposes of this section, the Director of Central Intelligence may issue an implementing directive governing the emergency disclosure of classified intelligence information.

(c) Each agency shall update, at least annually, the automatic, routine, or recurring distribution of classified information that they distribute. Recipients shall cooperate fully with distributors who are updating distribution lists and shall notify distributors whenever a relevant change in status occurs.

Sec. 4.3. *Special Access Programs.* (a) Establishment of special access programs. Unless otherwise authorized by the President, only the Secretaries of State, Defense, and Energy, and the Director of Central Intelligence, or the principal deputy of each, may create a special access program. For special access programs pertaining to intelligence activities (including special activities, but not including military operational, strategic, and tactical programs), or intelligence sources or methods, this function shall be exercised by the Director of Central Intelligence. These officials shall keep the number of these programs at an absolute minimum, and shall establish them only when the program is required by statute or upon a specific finding that:

(1) the vulnerability of, or threat to, specific information is exceptional; and

(2) the normal criteria for determining eligibility for access applicable to information classified at the same level are not deemed sufficient to protect the information from unauthorized disclosure.

(b) Requirements and limitations. (1) Special access programs shall be limited to programs in which the number of persons who will have access ordinarily will be reasonably small and commensurate with the objective of providing enhanced protection for the information involved.

(2) Each agency head shall establish and maintain a system of accounting for special access programs consistent with directives issued pursuant to this order.

(3) Special access programs shall be subject to the oversight program established under section 5.4(d) of this order. In addition, the Director of the Information Security Oversight Office shall be afforded access to these programs, in accordance with the security requirements of each program, in order to perform the functions assigned to the Information Security Oversight Office under this order. An agency head may limit access to a special access program to the Director and no more than one other employee of the Information Security Oversight Office, or, for special access programs that are extraordinarily sensitive and vulnerable, to the Director only.

(4) The agency head or principal deputy shall review annually each special access program to determine whether it continues to meet the requirements of this order.

(5) Upon request, an agency head shall brief the Assistant to the President for National Security Affairs, or a designee, on any or all of the agency's special access programs.

(c) Nothing in this order shall supersede any requirement made by or under 10 U.S.C. 119.

Sec. 4.4. *Access by Historical Researchers and Certain Former Government Personnel.* (a) The requirement in section 4.1(a)(3) of this order that access to classified information may be granted only to individuals who have a need-to-know the information may be waived for persons who:

(1) are engaged in historical research projects;

(2) previously have occupied policy-making positions to which they were appointed by the President under section 105(a)(2)(A) of title 3, United States Code, or the Vice President under 106(a)(1)(A) of title 3, United States Code; or

(3) served as President or Vice President.

(b) Waivers under this section may be granted only if the agency head or senior agency official of the originating agency:

(1) determines in writing that access is consistent with the interest of the national security;

(2) takes appropriate steps to protect classified information from unauthorized disclosure or compromise, and ensures that the information is safeguarded in a manner consistent with this order; and

(3) limits the access granted to former Presidential appointees and Vice Presidential appointees to items that the person originated, reviewed, signed, or received while serving as a Presidential appointee or a Vice Presidential appointee.

PART 5—IMPLEMENTATION AND REVIEW

Sec. 5.1. *Program Direction.* (a) The Director of the Information Security Oversight Office, under the direction of the Archivist and in consultation with the Assistant to the President for National Security Affairs, shall issue such directives as are necessary to implement this order. These directives shall be binding upon the agencies. Directives issued by the Director of the Information Security Oversight Office shall establish standards for:

(1) classification and marking principles;

(2) safeguarding classified information, which shall pertain to the handling, storage, distribution, transmittal, and destruction of and accounting for classified information;

(3) agency security education and training programs;

(4) agency self-inspection programs; and

(5) classification and declassification guides.

(b) The Archivist shall delegate the implementation and monitoring functions of this program to the Director of the Information Security Oversight Office.

Sec. 5.2. *Information Security Oversight Office.* (a) There is established within the National Archives an Information Security Oversight Office. The Archivist shall appoint the Director of the Information Security Oversight Office, subject to the approval of the President.

(b) Under the direction of the Archivist, acting in consultation with the Assistant to the President for National Security Affairs, the Director of the Information Security Oversight Office shall:

(1) develop directives for the implementation of this order;

(2) oversee agency actions to ensure compliance with this order and its implementing directives;

(3) review and approve agency implementing regulations and agency guides for systematic declassification review prior to their issuance by the agency;

(4) have the authority to conduct on-site reviews of each agency's program established under this order, and to require of each agency those reports, information, and other cooperation that may be necessary to fulfill its responsibilities. If granting access to specific categories of classified information would pose an exceptional national security risk, the affected agency head or the senior agency official shall submit a written justification recommending the denial of access to the President through the Assistant to the President for National Security Affairs within 60 days of the request for access. Access shall be denied pending the response;

(5) review requests for original classification authority from agencies or officials not granted original classification authority and, if deemed appropriate, recommend Presidential approval through the Assistant to the President for National Security Affairs;

(6) consider and take action on complaints and suggestions from persons within or outside the Government with respect to the administration of the program established under this order;

(7) have the authority to prescribe, after consultation with affected agencies, standardization of forms or procedures that will promote the implementation of the program established under this order;

(8) report at least annually to the President on the implementation of this order; and

(9) convene and chair interagency meetings to discuss matters pertaining to the program established by this order.

Sec. 5.3. *Interagency Security Classification Appeals Panel.*

(a) Establishment and administration.

(1) There is established an Interagency Security Classification Appeals Panel. The Departments of State, Defense, and Justice, the Central Intelligence Agency, the National Archives, and the Assistant to the President for National Security Affairs shall each be represented by a senior-level representative who is a full-time or permanent part-time Federal officer or employee designated to serve as a member of the Panel by the respective agency head. The President shall select the Chair of the Panel from among the Panel members.

(2) A vacancy on the Panel shall be filled as quickly as possible as provided in paragraph (a)(1) of this section.

(3) The Director of the Information Security Oversight Office shall serve as the Executive Secretary. The staff of the Information Security Oversight Office shall provide program and administrative support for the Panel.

(4) The members and staff of the Panel shall be required to meet eligibility for access standards in order to fulfill the Panel's functions.

(5) The Panel shall meet at the call of the Chair. The Chair shall schedule meetings as may be necessary for the Panel to fulfill its functions in a timely manner.

(6) The Information Security Oversight Office shall include in its reports to the President a summary of the Panel's activities.

(b) Functions. The Panel shall:

(1) decide on appeals by persons who have filed classification challenges under section 1.8 of this order;

(2) approve, deny, or amend agency exemptions from automatic declassification as provided in section 3.3 of this order; and

(3) decide on appeals by persons or entities who have filed requests for mandatory declassification review under section 3.5 of this order.

(c) Rules and procedures. The Panel shall issue bylaws, which shall be published in the **Federal Register**. The bylaws shall establish the rules and procedures that the Panel will follow in accepting, considering, and issuing decisions on appeals. The rules and procedures of the Panel shall provide that the Panel will consider appeals only on actions in which:

(1) the appellant has exhausted his or her administrative remedies within the responsible agency;

(2) there is no current action pending on the issue within the Federal courts; and

(3) the information has not been the subject of review by the Federal courts or the Panel within the past 2 years.

(d) Agency heads shall cooperate fully with the Panel so that it can fulfill its functions in a timely and fully informed manner. An agency head may appeal a decision of the Panel to the President through the Assistant to the President for National Security Affairs. The Panel shall report to the President through the Assistant to the President for National Security Affairs any instance in which it believes that an agency head is not cooperating fully with the Panel.

(e) The Panel is established for the sole purpose of advising and assisting the President in the discharge of his constitutional and discretionary authority to protect the national security of the United States. Panel decisions are committed to the discretion of the Panel, unless changed by the President.

(f) Notwithstanding paragraphs (a) through (e) of this section, whenever the Panel reaches a conclusion that information owned or controlled by the Director of Central Intelligence (Director) should be declassified, and the Director notifies the Panel that he objects to its conclusion because he has determined that the information could reasonably be expected to

cause damage to the national security and to reveal (1) the identity of a human intelligence source, or (2) information about the application of an intelligence source or method (including any information that concerns, or is provided as a result of, a relationship with a cooperating intelligence element of a foreign government), the information shall remain classified unless the Director's determination is appealed to the President, and the President reverses the determination.

Sec. 5.4. *General Responsibilities.* Heads of agencies that originate or handle classified information shall:

(a) demonstrate personal commitment and commit senior management to the successful implementation of the program established under this order;

(b) commit necessary resources to the effective implementation of the program established under this order;

(c) ensure that agency records systems are designed and maintained to optimize the safeguarding of classified information, and to facilitate its declassification under the terms of this order when it no longer meets the standards for continued classification; and

(d) designate a senior agency official to direct and administer the program, whose responsibilities shall include:

(1) overseeing the agency's program established under this order, provided, an agency head may designate a separate official to oversee special access programs authorized under this order. This official shall provide a full accounting of the agency's special access programs at least annually;

(2) promulgating implementing regulations, which shall be published in the **Federal Register** to the extent that they affect members of the public;

(3) establishing and maintaining security education and training programs;

(4) establishing and maintaining an ongoing self-inspection program, which shall include the periodic review and assessment of the agency's classified product;

(5) establishing procedures to prevent unnecessary access to classified information, including procedures that:

(A) require that a need for access to classified information is established before initiating administrative clearance procedures; and

(B) ensure that the number of persons granted access to classified information is limited to the minimum consistent with operational and security requirements and needs;

(6) developing special contingency plans for the safeguarding of classified information used in or near hostile or potentially hostile areas;

(7) ensuring that the performance contract or other system used to rate civilian or military personnel performance includes the management of classified information as a critical element or item to be evaluated in the rating of:

(A) original classification authorities;

(B) security managers or security specialists; and

(C) all other personnel whose duties significantly involve the creation or handling of classified information;

(8) accounting for the costs associated with the implementation of this order, which shall be reported to the Director of the Information Security Oversight Office for publication; and

(9) assigning in a prompt manner agency personnel to respond to any request, appeal, challenge, complaint, or suggestion arising out of this order that pertains to classified information that originated in a component of the agency that no longer exists and for which there is no clear successor in function.

Sec. 5.5. *Sanctions.* (a) If the Director of the Information Security Oversight Office finds that a violation of this order or its implementing directives

has occurred, the Director shall make a report to the head of the agency or to the senior agency official so that corrective steps, if appropriate, may be taken.

(b) Officers and employees of the United States Government, and its contractors, licensees, certificate holders, and grantees shall be subject to appropriate sanctions if they knowingly, willfully, or negligently:

(1) disclose to unauthorized persons information properly classified under this order or predecessor orders;

(2) classify or continue the classification of information in violation of this order or any implementing directive;

(3) create or continue a special access program contrary to the requirements of this order; or

(4) contravene any other provision of this order or its implementing directives.

(c) Sanctions may include reprimand, suspension without pay, removal, termination of classification authority, loss or denial of access to classified information, or other sanctions in accordance with applicable law and agency regulation.

(d) The agency head, senior agency official, or other supervisory official shall, at a minimum, promptly remove the classification authority of any individual who demonstrates reckless disregard or a pattern of error in applying the classification standards of this order.

(e) The agency head or senior agency official shall:

(1) take appropriate and prompt corrective action when a violation or infraction under paragraph (b) of this section occurs; and

(2) notify the Director of the Information Security Oversight Office when a violation under paragraph (b)(1), (2), or (3) of this section occurs.

PART 6—GENERAL PROVISIONS

Sec. 6.1. *Definitions.* For purposes of this order:

(a) ''Access'' means the ability or opportunity to gain knowledge of classified information.

(b) ''Agency'' means any ''Executive agency,'' as defined in 5 U.S.C. 105; any ''Military department'' as defined in 5 U.S.C. 102; and any other entity within the executive branch that comes into the possession of classified information.

(c) ''Automated information system'' means an assembly of computer hardware, software, or firmware configured to collect, create, communicate, compute, disseminate, process, store, or control data or information.

(d) ''Automatic declassification'' means the declassification of information based solely upon:

(1) the occurrence of a specific date or event as determined by the original classification authority; or

(2) the expiration of a maximum time frame for duration of classification established under this order.

(e) ''Classification'' means the act or process by which information is determined to be classified information.

(f) ''Classification guidance'' means any instruction or source that prescribes the classification of specific information.

(g) ''Classification guide'' means a documentary form of classification guidance issued by an original classification authority that identifies the elements of information regarding a specific subject that must be classified and establishes the level and duration of classification for each such element.

(h) ''Classified national security information'' or ''classified information'' means information that has been determined pursuant to this order or any

predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

(i) ''Confidential source'' means any individual or organization that has provided, or that may reasonably be expected to provide, information to the United States on matters pertaining to the national security with the expectation that the information or relationship, or both, are to be held in confidence.

(j) ''Damage to the national security'' means harm to the national defense or foreign relations of the United States from the unauthorized disclosure of information, taking into consideration such aspects of the information as the sensitivity, value, utility, and provenance of that information.

(k) ''Declassification'' means the authorized change in the status of information from classified information to unclassified information.

(l) ''Declassification authority'' means:

(1) the official who authorized the original classification, if that official is still serving in the same position;

(2) the originator's current successor in function;

(3) a supervisory official of either; or

(4) officials delegated declassification authority in writing by the agency head or the senior agency official.

(m) ''Declassification guide'' means written instructions issued by a declassification authority that describes the elements of information regarding a specific subject that may be declassified and the elements that must remain classified.

(n) ''Derivative classification'' means the incorporating, paraphrasing, restating, or generating in new form information that is already classified, and marking the newly developed material consistent with the classification markings that apply to the source information. Derivative classification includes the classification of information based on classification guidance. The duplication or reproduction of existing classified information is not derivative classification.

(o) ''Document'' means any recorded information, regardless of the nature of the medium or the method or circumstances of recording.

(p) ''Downgrading'' means a determination by a declassification authority that information classified and safeguarded at a specified level shall be classified and safeguarded at a lower level.

(q) ''File series'' means file units or documents arranged according to a filing system or kept together because they relate to a particular subject or function, result from the same activity, document a specific kind of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt, or use, such as restrictions on access or use.

(r) ''Foreign government information'' means:

(1) information provided to the United States Government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both, are to be held in confidence;

(2) information produced by the United States Government pursuant to or as a result of a joint arrangement with a foreign government or governments, or an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence; or

(3) information received and treated as ''foreign government information'' under the terms of a predecessor order.

(s) ''Information'' means any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that

is owned by, produced by or for, or is under the control of the United States Government. ''Control'' means the authority of the agency that originates information, or its successor in function, to regulate access to the information.

(t) ''Infraction'' means any knowing, willful, or negligent action contrary to the requirements of this order or its implementing directives that does not constitute a ''violation,'' as defined below.

(u) ''Integral file block'' means a distinct component of a file series, as defined in this section, that should be maintained as a separate unit in order to ensure the integrity of the records. An integral file block may consist of a set of records covering either a specific topic or a range of time such as presidential administration or a 5-year retirement schedule within a specific file series that is retired from active use as a group.

(v) ''Integrity'' means the state that exists when information is unchanged from its source and has not been accidentally or intentionally modified, altered, or destroyed.

(w) ''Mandatory declassification review'' means the review for declassification of classified information in response to a request for declassification that meets the requirements under section 3.5 of this order.

(x) ''Multiple sources'' means two or more source documents, classification guides, or a combination of both.

(y) ''National security'' means the national defense or foreign relations of the United States.

(z) ''Need-to-know'' means a determination made by an authorized holder of classified information that a prospective recipient requires access to specific classified information in order to perform or assist in a lawful and authorized governmental function.

(aa) ''Network'' means a system of two or more computers that can exchange data or information.

(bb) ''Original classification'' means an initial determination that information requires, in the interest of the national security, protection against unauthorized disclosure.

(cc) ''Original classification authority'' means an individual authorized in writing, either by the President, the Vice President in the performance of executive duties, or by agency heads or other officials designated by the President, to classify information in the first instance.

(dd) ''Records'' means the records of an agency and Presidential papers or Presidential records, as those terms are defined in title 44, United States Code, including those created or maintained by a government contractor, licensee, certificate holder, or grantee that are subject to the sponsoring agency's control under the terms of the contract, license, certificate, or grant.

(ee) ''Records having permanent historical value'' means Presidential papers or Presidential records and the records of an agency that the Archivist has determined should be maintained permanently in accordance with title 44, United States Code.

(ff) ''Records management'' means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations.

(gg) ''Safeguarding'' means measures and controls that are prescribed to protect classified information.

(hh) ''Self-inspection'' means the internal review and evaluation of individual agency activities and the agency as a whole with respect to the

implementation of the program established under this order and its implementing directives.

(ii) ''Senior agency official'' means the official designated by the agency head under section 5.4(d) of this order to direct and administer the agency's program under which information is classified, safeguarded, and declassified.

(jj) ''Source document'' means an existing document that contains classified information that is incorporated, paraphrased, restated, or generated in new form into a new document.

(kk) ''Special access program'' means a program established for a specific class of classified information that imposes safeguarding and access requirements that exceed those normally required for information at the same classification level.

(ll) ''Systematic declassification review'' means the review for declassification of classified information contained in records that have been determined by the Archivist to have permanent historical value in accordance with title 44, United States Code.

(mm) ''Telecommunications'' means the preparation, transmission, or communication of information by electronic means.

(nn) ''Unauthorized disclosure'' means a communication or physical transfer of classified information to an unauthorized recipient.

(oo) ''Violation'' means:

(1) any knowing, willful, or negligent action that could reasonably be expected to result in an unauthorized disclosure of classified information;

(2) any knowing, willful, or negligent action to classify or continue the classification of information contrary to the requirements of this order or its implementing directives; or

(3) any knowing, willful, or negligent action to create or continue a special access program contrary to the requirements of this order.

(pp) ''Weapons of mass destruction'' means chemical, biological, radiological, and nuclear weapons.

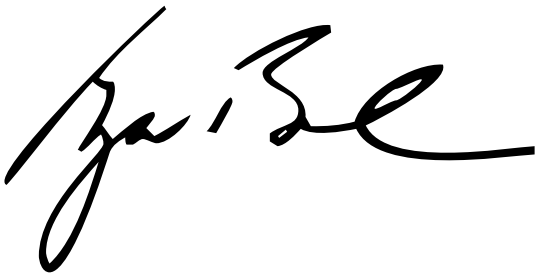
Sec. 6.2. *General Provisions.* (a) Nothing in this order shall supersede any requirement made by or under the Atomic Energy Act of 1954, as amended, or the National Security Act of 1947, as amended. ''Restricted Data'' and ''Formerly Restricted Data'' shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and regulations issued under that Act.

(b) The Attorney General, upon request by the head of an agency or the Director of the Information Security Oversight Office, shall render an interpretation of this order with respect to any question arising in the course of its administration.

(c) Nothing in this order limits the protection afforded any information by other provisions of law, including the Constitution, Freedom of Information Act exemptions, the Privacy Act of 1974, and the National Security Act of 1947, as amended. This order is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its departments, agencies, officers, employees, or agents. The foregoing is in addition to the specific provisos set forth in sections 3.1(b) and 5.3(e) of this order.''

(d) Executive Order 12356 of April 6, 1982, was revoked as of October 14, 1995.

Sec. 6.3. *Effective Date.* This order is effective immediately, except for section 1.6, which shall become effective 180 days from the date of this order.



THE WHITE HOUSE,
March 25, 2003.

[FR Doc. 03–7736
Filed 3–27–03; 9:17 am]
Billing code 3195–01–P

Executive Order 13293
Amendment to Executive Order 10448, Establishing the National Defense Service Medal

Signed: March 28, 2003
Federal Register page and date: 68 FR 15917, April 1, 2003
Amends: EO 10448, April 22, 1953
See: EO 12776, October 8, 1991

Federal Register

Tuesday,
April 1, 2003

Part VI

The President

Executive Order 13293—Amendment to Executive Order 10448, Establishing the National Defense Service Medal

Executive Order 13294—Regulations Relating to Hazardous Duty Incentive Pay, Aviation Career Incentive Pay, and Submarine Duty Incentive Pay

Federal Register
Vol. 68, No. 62
Tuesday, April 1, 2003

Presidential Documents

Title 3—

The President

Executive Order 13293 of March 28, 2003

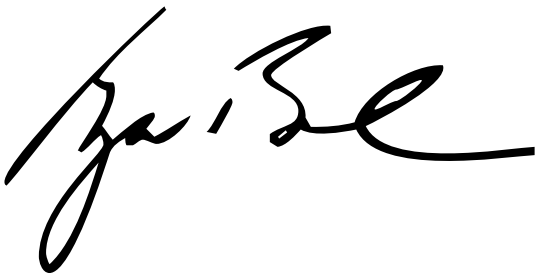
Amendment to Executive Order 10448, Establishing the National Defense Service Medal

By the authority vested in me as President of the United States and as Commander in Chief of the Armed Forces of the United States, and in order to extend eligibility for the award of the National Defense Service Medal to members in good standing in the Selected Reserve of the Armed Forces of the United States, it is hereby ordered that Executive Order 10448 of April 22, 1953, as amended, is further amended:

1. by inserting ''or service in good standing in the Selected Reserve of the Armed Forces'' after ''active military service'' each place it appears; and

2. by striking ''additional period of active duty'' and inserting in lieu thereof ''additional period.''

Nothing in this order shall be construed to impair or otherwise affect the exercise of authority granted by Executive Order 12776 of October 8, 1991.



THE WHITE HOUSE,
March 28, 2003.

[FR Doc. 03–8108
Filed 3–31–03; 11:33 am]
Billing code 3195–01–P

Executive Order 13294

Regulations Relating to Hazardous Duty Incentive Pay, Aviation Career Incentive Pay, and Submarine Duty Incentive Pay

Signed: March 28, 2003

Federal Register page and date: 68 FR 15919, April 1, 2003

Revokes: EO 11157, June 22, 1964; EO 11800, August 17, 1974

Presidential Documents

Executive Order 13294 of March 28, 2003

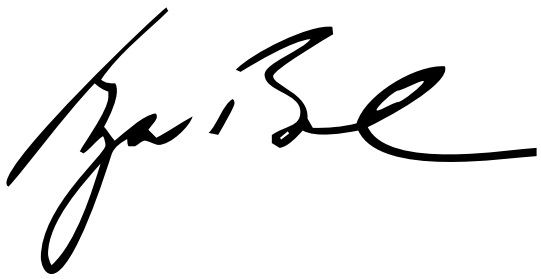
Regulations Relating to Hazardous Duty Incentive Pay, Aviation Career Incentive Pay, and Submarine Duty Incentive Pay

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 301, 301a, and 301c of title 37, United States Code, and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. The Secretary of Defense, the Secretary of Commerce, the Secretary of Health and Human Services, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, with respect to members of the uniformed services under their respective jurisdictions, are hereby designated and empowered to exercise, without approval, ratification, or other action by the President, the authority vested in the President by sections 301, 301a, and 301c of title 37, United States Code. The Secretaries shall consult each other in the exercise of such authority to ensure similar treatment for similarly situated members of the uniformed services unless the needs of their respective uniformed services require differing treatment.

Sec. 2. Executive Order 11157 of June 22, 1964, as amended, and Executive Order 11800 of August 17, 1974, as amended, are hereby revoked.

Sec. 3. This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees, or any other person.



THE WHITE HOUSE,
March 28, 2003.

[FR Doc. 03–8109
Filed 3–31–03; 11:33 am]
Billing code 3195–01–P

Executive Order 13295
Revised List of Quarantinable Communicable Diseases

Signed: April 4, 2003
Federal Register page and date: 68 FR 17255, April 9, 2003
Revokes: EO 12452, December 22, 1983

Presidential Documents

Executive Order 13295 of April 4, 2003

Revised List of Quarantinable Communicable Diseases

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 361(b) of the Public Health Service Act (42 U.S.C. 264(b)), it is hereby ordered as follows:

Section 1. Based upon the recommendation of the Secretary of Health and Human Services (the ''Secretary''), in consultation with the Surgeon General, and for the purpose of specifying certain communicable diseases for regulations providing for the apprehension, detention, or conditional release of individuals to prevent the introduction, transmission, or spread of suspected communicable diseases, the following communicable diseases are hereby specified pursuant to section 361(b) of the Public Health Service Act:

(a) Cholera; Diphtheria; infectious Tuberculosis; Plague; Smallpox; Yellow Fever; and Viral Hemorrhagic Fevers (Lassa, Marburg, Ebola, Crimean-Congo, South American, and others not yet isolated or named).

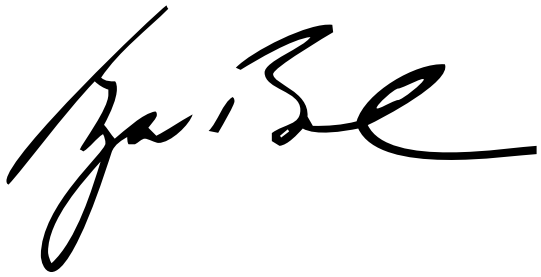
(b) Severe Acute Respiratory Syndrome (SARS), which is a disease associated with fever and signs and symptoms of pneumonia or other respiratory illness, is transmitted from person to person predominantly by the aerosolized or droplet route, and, if spread in the population, would have severe public health consequences.

Sec. 2. The Secretary, in the Secretary's discretion, shall determine whether a particular condition constitutes a communicable disease of the type specified in section 1 of this order.

Sec. 3. The functions of the President under sections 362 and 364(a) of the Public Health Service Act (42 U.S.C. 265 and 267(a)) are assigned to the Secretary.

Sec. 4. This order is not intended to, and does not, create any right or benefit enforceable at law or equity by any party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.

Sec. 5. Executive Order 12452 of December 22, 1983, is hereby revoked.



THE WHITE HOUSE,
April 4, 2003.

[FR Doc. 03–8832
Filed 4–9–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13296

Amendments to Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Signed: April 18, 2003

Federal Register page and date: 68 FR 19931, April 23, 2003

Amends: EO 13045, April 21, 1997

Federal Register
Vol. 68, No. 78
Wednesday, April 23, 2003

Presidential Documents

Title 3—

The President

Executive Order 13296 of April 18, 2003

Amendments to Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to extend the Task Force on Environmental Health Risks and Safety Risks to Children, and for other purposes, it is hereby ordered that Executive Order 13045 of April 21, 1997, as amended, is further amended as follows:

Section 1. Subsection 3–303(o) is amended by striking ''Assistant to the President and''.

Sec. 2. Section 3–305 is amended by:

(a) striking ''cabinet agencies and other agencies identified'' and inserting in lieu thereof ''executive departments, the Environmental Protection Agency, and other agencies identified''; and

(b) inserting the following new language after the second sentence: ''Each report shall also detail the accomplishments of the Task Force from the date of the preceding report.''

Sec. 3. Section 3–306 is amended by:

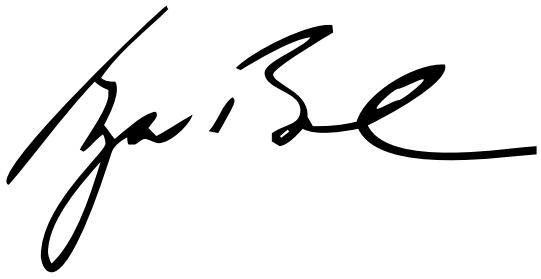
(a) striking ''6 years'' and inserting in lieu thereof ''8 years''; and

(b) striking the second sentence.

Sec. 4. Section 6–601, the second sentence, is amended by deleting ''an annual'' and inserting ''a biennial'' in lieu thereof.

Sec. 5. Section 6–603, the third sentence, is amended by deleting ''submitted annually'' and inserting ''published biennially'' in lieu thereof.

Sec. 6. Section 7 is amended by adding new section 7–703 as follows: ''7–703. Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.''



THE WHITE HOUSE,
April 18, 2003.

[FR Doc. 03–10194
Filed 4–22–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13297

Applying the Federal Physicians Comparability Allowance Amendments of 2000 to Participants in the Foreign Service Retirement and Disability System, the Foreign Service Pension System, and the Central Intelligence Agency Retirement and Disability System

Signed: April 23, 2003

Federal Register page and date: 68 FR 22565, April 28, 2003

Federal Register

Monday,
April 28, 2003

Part IV

The President

Executive Order 13297—Applying the Federal Physicians Comparability Allowance Amendments of 2000 to Participants in the Foreign Service Retirement and Disability System, the Foreign Service Pension System, and the Central Intelligence Agency Retirement and Disability System

Federal Register
Vol. 68, No. 81
Monday, April 28, 2003

Presidential Documents

Title 3—

The President

Executive Order 13297 of April 23, 2003

Applying the Federal Physicians Comparability Allowance Amendments of 2000 to Participants in the Foreign Service Retirement and Disability System, the Foreign Service Pension System, and the Central Intelligence Agency Retirement and Disability System

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 827 of the Foreign Service Act of 1980 (22 U.S.C. 4067), section 292 of the Central Intelligence Agency Retirement Act of 1964 (50 U.S.C. 2141), and section 301 of title 3, United States Code, and in order to conform the Foreign Service Retirement and Disability System, the Foreign Service Pension System, and the Central Intelligence Agency Retirement and Disability System to the Civil Service Retirement System, it is hereby ordered as follows:

Section 1. *Foreign Service Retirement and Disability System.* (a) The following provisions of the Federal Physicians Comparability Allowance Amendments of 2000 (Public Law 106–571) shall apply to the Foreign Service Retirement and Disability System, subchapter I of chapter 8 of the Foreign Service Act of 1980, as amended:

(i) Section 3(a) of Public Law 106–571 to provide that any amount received under section 5948 of title 5, United States Code (physicians comparability allowance), be included in the definition of basic pay; and

(ii) Section 3(b) of Public Law 106–571 to provide for the inclusion of the physicians comparability allowance in the computation of an annuity under the same rules that apply with respect to the Civil Service Retirement System.

(b) The Secretary of State shall issue regulations that reflect the application of sections 3(a) and 3(b) of Public Law 106–571 to the Foreign Service Retirement and Disability System. Such regulations shall provide that the foregoing provisions be retroactive to December 28, 2000.

Sec. 2. *Foreign Service Pension System.* (a) The following provisions of the Federal Physicians Comparability Allowance Amendments of 2000 (Public Law 106–571) shall apply to the Foreign Service Pension System, subchapter II of chapter 8 of the Foreign Service Act of 1980, as amended:

(i) Section 3(a) of Public Law 106–571 to provide that any amount received under section 5948 of title 5, United States Code (physicians comparability allowance), be included in the definition of basic pay; and

(ii) Section 3(c) of Public Law 106–571 to provide for the inclusion of the physicians comparability allowance in the computation of an annuity under the same rules that apply with respect to the Federal Employees Retirement System.

(b) The Secretary of State shall issue regulations that reflect the application of sections 3(a) and 3(c) of Public Law 106–571 to the Foreign Service Pension System. Such regulations shall provide that the foregoing provisions be retroactive to December 28, 2000.

Sec. 3. *Central Intelligence Agency Retirement and Disability System.*

(a) The following provisions of the Federal Physicians Comparability Allowance Amendments of 2000 (Public Law 106–571) shall apply to the

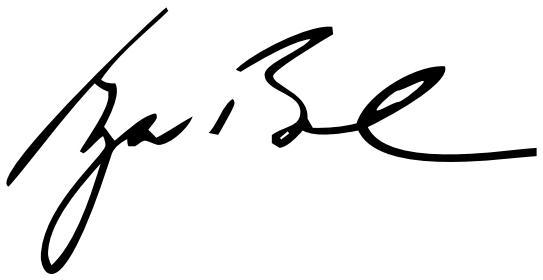
Central Intelligence Agency Retirement and Disability System, title II of the Central Intelligence Agency Retirement Act of 1964, as amended:

(i) Section 3(a) of Public Law 106–571 to provide that any amount received under section 5948 of title 5, United States Code (physicians comparability allowance), be included in the definition of basic pay; and

(ii) Section 3(b) of Public Law 106–571 to provide for the inclusion of the physicians comparability allowance in the computation of an annuity under the same rules that apply with respect to the Civil Service Retirement System.

(b) The Director of Central Intelligence shall issue regulations to reflect the application of sections 3(a) and 3(b) of Public Law 106–571 to the Central Intelligence Agency Retirement and Disability System. Such regulations shall provide that the foregoing provisions be retroactive to December 28, 2000.

Sec. 4. *Judicial Review.* This order is not intended to create, nor does it create any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, employees, or any other person.



THE WHITE HOUSE,
April 23, 2003.

[FR Doc. 03–10606
Filed 4–25–03; 9:42 am]
Billing code 3195–01–P

Executive Order 13298

Termination of Emergency With Respect to the Actions and Policies of UNITA and Revocation of Related Executive Orders

Signed: May 6, 2003

Federal Register page and date: 68 FR 24857, May 8, 2003

Revokes: EO 12865, September 26, 1993; EO 13069, December 12, 1997; EO 13098, August 18, 1998

Federal Register

Thursday,
May 8, 2003

Part VI

The President

Executive Order 13298—Termination of Emergency With Respect to the Actions and Policies of UNITA and Revocation of Related Executive Orders

Federal Register
Vol. 68, No. 89
Thursday, May 8, 2003

Presidential Documents

Title 3—

The President

Executive Order 13298 of May 6, 2003

Termination of Emergency With Respect to the Actions and Policies of Unita and Revocation of Related Executive Orders

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution 1448 of December 9, 2002,

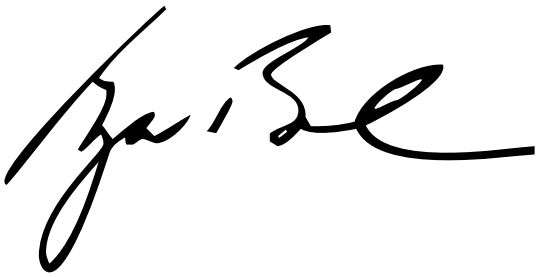
I, GEORGE W. BUSH, President of the United States of America, find that the situation that gave rise to the declaration of a national emergency in Executive Order 12865 of September 26, 1993, with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA), and that led to the steps taken in that order and in Executive Order 13069 of December 12, 1997, and Executive Order 13098 of August 18, 1998, has been significantly altered by the recent and continuing steps toward peace taken by the Government of Angola and UNITA. Accordingly, I hereby terminate the national emergency declared in Executive Order 12865, revoke Executive Orders 12865, 13069, and 13098, and order:

Section 1. Pursuant to section 202 of the NEA (50 U.S.C. 1622), termination of the national emergency with respect to the actions and policies of UNITA shall not affect any action taken or proceeding pending, not finally concluded or determined as of the effective date of this order, or any action or proceeding based on any act committed prior to the effective date of this order, or any rights or duties that matured or penalties that were incurred prior to the effective date of this order.

Sec. 2. This order in not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, or its departments, agencies, entities, officers, employees, or agents.

Sec. 3. (a) This order is effective 12:01 a.m. eastern daylight time on May 7, 2003.

(b) This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
May 6, 2003.

[FR Doc. 03–11713
Filed 5–7–03; 11:14 am]
Billing code 3195–01–P

Executive Order 13299
Interagency Group on Insular Areas

Signed: May 8, 2003
Federal Register page and date: 68 FR 25477, May 12, 2003

Federal Register

Monday,
May 12, 2003

Part IV

The President

Executive Order 13299—Interagency Group on Insular Areas

Federal Register
Vol. 68, No. 91
Monday, May 12, 2003

Presidential Documents

Title 3—

The President

Executive Order 13299 of May 12, 2003

Interagency Group on Insular Areas

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Interagency Group on Insular Areas.* (a) There is established, within the Department of the Interior for administrative purposes, the Interagency Group on Insular Areas (IGIA). The group shall consist exclusively of:

(i) the heads of the executive departments; and

(ii) the heads of such agencies as the Secretary of the Interior may designate.

(b) The Secretary of the Interior, or the Secretary's designee under section 1(c) of this order, shall convene and preside at the meetings of the IGIA, determine its agenda, direct its work and, as appropriate to deal with particular subject matters, establish and direct subgroups of the IGIA that shall consist exclusively of members of the IGIA.

(c) A member of the IGIA may designate, to perform the IGIA or IGIA subgroup functions of the member, any person who is a part of the member's department or agency (agency) and who is either an officer of the United States appointed by the President or a member of the Senior Executive Service.

Sec. 2. *Functions of the IGIA.* The IGIA shall:

(a) provide advice on establishment or implementation of policies concerning American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of Northern Mariana Islands (Insular Areas) to:

(i) the President, through the Office of Intergovernmental Affairs in the White House Office, in written reports, at least once each year; and

(ii) the Secretary of the Interior;

(b) obtain information and advice concerning Insular Areas from governors and other elected officials in the Insular Areas (including through a meeting at least once each year with such governors of the Insular Areas who may wish to attend) in a manner that seeks their individual advice and does not involve collective judgment or consensus advice or deliberation;

(c) obtain information and advice concerning Insular Areas, as the IGIA determines appropriate, from representatives of entities or other individuals in a manner that seeks their individual advice and does not involve collective judgment or consensus advice or deliberation; and

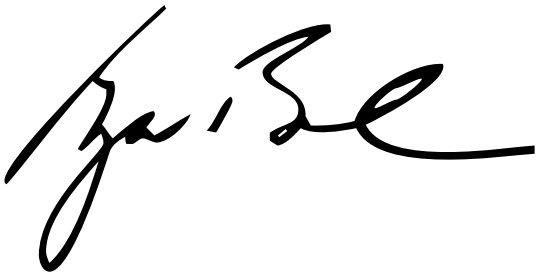
(d) at the request of the head of any agency who is a member of the IGIA, unless the Secretary of the Interior declines the request, promptly review and provide advice on a policy or policy implementation action affecting one of the Insular Areas proposed by that agency.

Sec. 3. *General Provisions.* (a) The Secretary of the Interior may, as the Secretary determines appropriate, make recommendations to the President, or to the heads of agencies, regarding policy or policy implementation actions of the Federal Government affecting the Insular Areas.

(b) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

Sec. 4. *Judicial Review.* This order is intended only to improve the internal management of the Federal Government and is not intended to, and does

not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.



THE WHITE HOUSE,
May 8, 2003.

[FR Doc. 03–11969
Filed 5–9–03; 10:47 am]
Billing code 3195–01–P

Executive Order 13300
Facilitating the Administration of Justice in the Federal Courts

Signed: May 9, 2003
Federal Register page and date: 68 FR 25807, May 13, 2003

Federal Register

Tuesday,
May 13, 2003

Part V

The President

Executive Order 13300—Facilitating the Administration of Justice in the Federal Courts

Federal Register
Vol. 68, No. 92
Tuesday, May 13, 2003

Presidential Documents

Title 3—

The President

Executive Order 13300 of May 9, 2003

Facilitating the Administration of Justice in the Federal Courts

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the prompt appointment of judges to the Federal courts, it is hereby ordered as follows:

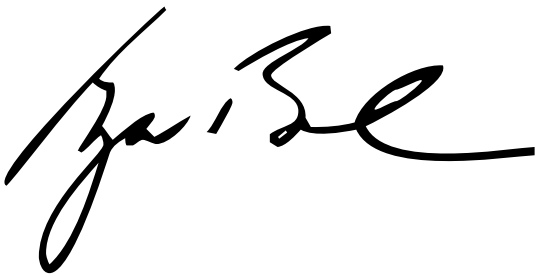
Section 1. *Policy.* The Federal courts play a central role in the American justice system. For the Federal courts to function effectively, judicial vacancies in those courts must be filled in a timely manner with well-qualified candidates.

Sec. 2. *Plan.* The presidential plan announced on October 30, 2002, calls for timely consideration of judicial nominees, with the President submitting a nomination to fill a vacancy in United States courts of appeals and district courts within 180 days after the President receives notice of a vacancy or intended retirement, absent extraordinary circumstances.

Sec. 3. *Responsibilities.* The Counsel to the President shall take all appropriate steps to ensure that the President is in a position to make timely nominations for judicial vacancies consistent with this plan. All Federal departments and agencies shall assist, as requested and permitted by law, in the implementation of this order.

Sec. 4. *Reservation of Authority.* Nothing in this order shall be construed to affect the authority of the President to fill vacancies under clause 3 of section 2 of article II of the Constitution.

Sec. 5. *Judicial Review.* This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.



THE WHITE HOUSE,
May 9, 2003.

[FR Doc. 03–12071
Filed 5–12–03; 9:24 am]
Billing code 3195–01–P

Executive Order 13301
Increasing the Number of Members on the Intelligence Oversight Board

Signed: May 14, 2003
Federal Register page and date: 68 FR 26981, May 19, 2003
Amends: EO 12863, September 13, 1993; EO 13070, December 16, 1997

Federal Register
Vol. 68, No. 96
Monday, May 19, 2003

Presidential Documents

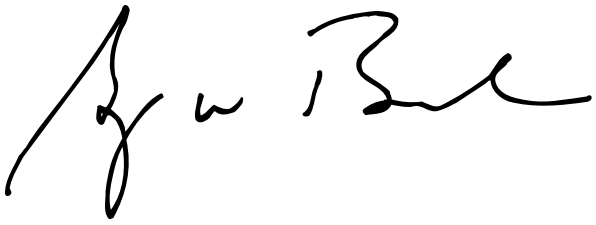
Title 3—

The President

Executive Order 13301 of May 14, 2003

Increasing the Number of Members on the Intelligence Oversight Board

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that Executive Order 12863 of September 13, 1993, as amended by Executive Order 13070 of December 16, 1997, is further amended by deleting the word ''four'' from the first sentence of section 2.1 and inserting in its place the word ''five''.



THE WHITE HOUSE,
May 14, 2003.

[FR Doc. 03–12661
Filed 5–16–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13302
Amending Executive Order 13212, Actions to Expedite Energy-Related Projects

Signed: May 15, 2003
Federal Register page and date: 68 FR 27429, May 20, 2003
Amends: EO 13212, May 18, 2001

Presidential Documents

Executive Order 13302 of May 15, 2003

Amending Executive Order 13212, Actions to Expedite Energy-Related Projects

By the authority vested in me as President by the Constitution and the laws of the United States, including section 60133 of title 49, United States Code, and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. *Amendments to Executive Order 13212.* Executive Order 13212 of May 18, 2001, as amended, is further amended by:

(a) in section 1, immediately before the period at the end of the section, inserting ''and projects that will strengthen pipeline safety'';

(b) in section 2, after ''energy-related projects'' inserting ''(including pipeline safety projects)''; and

(c) revising section 3 to read as follows:

''**Sec. 3.** *Interagency Task Force.* (a) There is established, within the Department of Energy for administrative purposes, an interagency task force (Task Force) to perform the following functions: (i) monitor and assist the agencies in their efforts to expedite their reviews of permits or similar actions, as necessary, to accelerate the completion of energy-related projects (including pipeline safety projects), increase energy production and conservation, and improve the transmission of energy;

(ii) monitor and assist agencies in setting up appropriate mechanisms to coordinate Federal, State, tribal, and local permitting in geographic areas where increased permitting activity is expected; and

(iii) perform the functions of the interagency committee for which section 60133 of title 49, United States Code, provides.

(b)(i) The Task Force shall consist exclusively of the following members:

(A) in the performance of all Task Force functions set out in sections 3(a)(i) and (ii) of this order, the Secretaries of State, the Treasury, Defense, Agriculture, Housing and Urban Development, Commerce, Transportation, the Interior, Labor, Education, Health and Human Services, Energy, and Veterans Affairs, the Attorney General, the Administrator of the Environmental Protection Agency, the Director of Central Intelligence, the Administrator of General Services, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Assistant to the President for Domestic Policy, the Assistant to the President for Economic Policy, and such other heads of agencies as the Chairman of the Council on Environmental Quality may designate; and

(B) in the performance of the functions to which section 3(a)(iii) of this order refers, the officers listed in section 60133(a)(2)(A)-(H) of title 49, United States Code, and such other representatives of Federal agencies with responsibilities relating to pipeline repair projects as the Chairman of the Council on Environmental Quality may designate.

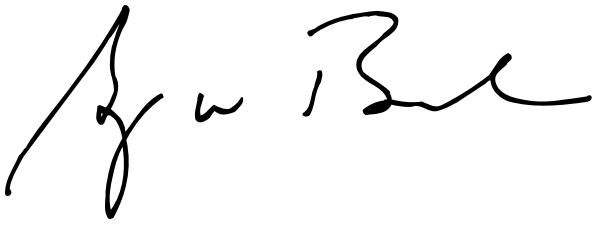
(ii) A member of the Task Force may designate, to perform the Task Force functions of the member, a full-time officer or employee of that member's agency or office.

(c) The Chairman of the Council on Environmental Quality shall chair the Task Force.

(d) Consultation in the implementation of this order with State and local officials and other persons who are not full-time or permanent part-time employees of the Federal Government shall be conducted in a manner that elicits fully the individual views of each official or other person consulted, without deliberations or efforts to achieve consensus on advice or recommendations.

(e) This order shall be implemented in a manner consistent with the President's constitutional authority to supervise the unitary executive branch.''

Sec. 2. *Judicial Review.* This order is intended only to improve the internal management of the Federal Government, and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, instrumentalities or entities, its officers or employees, or any other person.



THE WHITE HOUSE,
Washington, May 15, 2003.

[FR Doc. 03–12766
Filed 5–19–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13303

Protecting the Development Fund for Iraq and Certain Other Property in Which Iraq Has an Interest

Signed: May 22, 2003

Federal Register page and date: 68 FR 31931, May 28, 2003

See: EO 12722, August 8, 1990; EO 12724, August 9, 1990; EO 13290, March 20, 2003; EO 13315, August 28, 2003; Notice of May 20, 2004 (69 FR 29409); EO 13350, July 29, 2004



Federal Register

Wednesday,
May 28, 2003

Part VIII

The President

Executive Order 13303—Protecting the Development Fund for Iraq and Certain Other Property in Which Iraq Has an Interest

Federal Register
Vol. 68, No. 102
Wednesday, May 28, 2003

Presidential Documents

Title 3—

The President

Executive Order 13303 of May 22, 2003

Protecting the Development Fund for Iraq and Certain Other Property in Which Iraq Has an Interest

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, find that the threat of attachment or other judicial process against the Development Fund for Iraq, Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein, obstructs the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq. This situation constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States and I hereby declare a national emergency to deal with that threat.

I hereby order:

Section 1. Unless licensed or otherwise authorized pursuant to this order, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is prohibited, and shall be deemed null and void, with respect to the following:

(a) the Development Fund for Iraq, and

(b) all Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein, in which any foreign country or a national thereof has any interest, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons.

Sec. 2. (a) As of the effective date of this order, Executive Order 12722 of August 2, 1990, Executive Order 12724 of August 9, 1990, and Executive Order 13290 of March 20, 2003, shall not apply to the property and interests in property described in section 1 of this order.

(b) Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under Executive Orders 12722, 12724, or 13290, or under the authority of IEEPA or the UNPA, except as hereafter terminated, modified, or suspended by the issuing Federal agency and except as provided in section 2(a) of this order.

Sec. 3. For the purposes of this order:

(a) The term ''person'' means an individual or entity;

(b) The term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) The term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United

States or any jurisdiction within the United States (including foreign branches), or any person in the United States;

(d) The term ''Iraqi petroleum and petroleum products'' means any petroleum, petroleum products, or natural gas originating in Iraq, including any Iraqi-origin oil inventories, wherever located; and

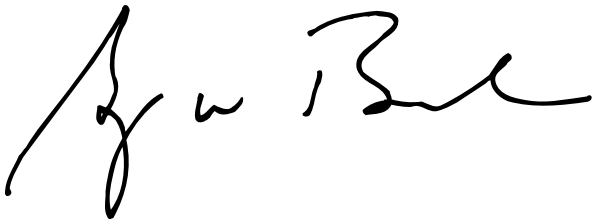
(e) The term ''Development Fund for Iraq'' means the fund established on or about May 22, 2003, on the books of the Central Bank of Iraq, by the Administrator of the Coalition Provisional Authority responsible for the temporary governance of Iraq and all accounts held for the fund or for the Central Bank of Iraq in the name of the fund.

Sec. 4. (a) The Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their statutory authority to carry out the provisions of this order.

(b) Nothing contained in this order shall relieve a person from any requirement to obtain a license or other authorization in compliance with applicable laws and regulations.

Sec. 5. This order is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.

Sec. 6. This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
May 22, 2003.

[FR Doc. 03–13412
Filed 5–23–03; 11:28 am]
Billing code 3195–01–P

Executive Order 13304

Termination of National Emergencies With Respect to Yugoslavia and Modification of Executive Order 13219 of June 26, 2001

Signed: May 28, 2003

Federal Register page and date: 68 FR 32315, May 29, 2003

Amends: EO 13219, June 26, 2001

Revokes: EO 12808, May 30, 1992; EO 12810, June 5, 1992; EO 12831, January 15, 1993; EO 13088, June 9, 1998; EO 13121, April 30, 1999; EO 13192, January 17, 2001

See: Notice of June 20, 2003 (68 FR 37389); Notice of June 24, 2004 (69 FR 36003)

Federal Register

Thursday,
May 29, 2003

Part VI

The President

Executive Order 13304—Termination of Emergencies With Respect to Yugoslavia and Modification of Executive Order 13219 of June 26, 2001

Federal Register
Vol. 68, No. 103
Thursday, May 29, 2003

Presidential Documents

Title 3—

The President

Executive Order 13304 of May 28, 2003

Termination of Emergencies With Respect to Yugoslavia and Modification of Executive Order 13219 of June 26, 2001

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, have determined that the situations that gave rise to the declarations of national emergencies in Executive Order 12808 of May 30, 1992, and Executive Order 13088 of June 9, 1998, with respect to the former Socialist Federal Republic of Yugoslavia, have been significantly altered by the peaceful transition to democracy and other positive developments in Serbia and Montenegro (formerly the Federal Republic of Yugoslavia (Serbia and Montenegro)). Accordingly, I hereby terminate the national emergencies declared in those orders and revoke those and all related orders (Executive Orders 12810 of June 5, 1992, 12831 of January 15, 1993, 12846 of April 25, 1993, 12934 of October 25, 1994, 13121 of April 30, 1999, and 13192 of January 17, 2001). At the same time, and in order to take additional steps with respect to continuing, widespread, and illicit actions that obstruct implementation of the Ohrid Framework Agreement of 2001, relating to Macedonia, United Nations Security Council Resolution 1244 of June 10, 1999, relating to Kosovo, or the Dayton Accords or the Conclusions of the Peace Implementation Conference Council held in London on December 8–9, 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council or its Steering Board, relating to Bosnia and Herzegovina, including the harboring of individuals indicted by the International Criminal Tribunal for the former Yugoslavia, and the national emergency described and declared in Executive Order 13219 of June 26, 2001, I hereby order:

Section 1. Pursuant to section 202 of the NEA (50 U.S.C. 1622), termination of the national emergencies declared in Executive Order 12808 of May 30, 1992, and Executive Order 13088 of June 9, 1998, shall not affect any action taken or proceeding pending not finally concluded or determined as of the effective date of this order, or any action or proceeding based on any act committed prior to such date, or any rights or duties that matured or penalties that were incurred prior to such date. Pursuant to section 207 of IEEPA (50 U.S.C. 1706), I hereby determine that the continuation of prohibitions with regard to transactions involving any property blocked pursuant to Executive Orders 12808 or 13088 that continues to be blocked as of the effective date of this order is necessary on account of claims involving successor states to the former Socialist Federal Republic of Yugoslavia or other potential claimants.

Sec. 2. The Annex to Executive Order 13219 of June 26, 2001, is replaced and superseded in its entirety by the Annex to this order.

Sec. 3. (a) Section 1(a) and 1(b) of Executive Order 13219 are revised to read as follows:

''**Section 1.** (a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), and the Trade Sanctions Reform and Export Enhancement Act of 2000 (Title IX, Public Law 106–

387), and in regulations, orders, directives, or licenses that may hereafter be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of:

(i) the persons listed in the Annex to this order; and

(ii) persons designated by the Secretary of the Treasury, in consultation with the Secretary of State, because they are determined:

(A) to be under open indictment by the International Criminal Tribunal for the former Yugoslavia, unless circumstances warrant otherwise, or

(B) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of threatening the peace in or diminishing the stability or security of any area or state in the Western Balkans region, undermining the authority, efforts, or objectives of international organizations or entities present in the region, or endangering the safety of persons participating in or providing support to the activities of those international organizations or entities, or

(C) to have actively obstructed, or pose a significant risk of actively obstructing, the Ohrid Framework Agreement of 2001 relating to Macedonia, United Nations Security Council Resolution 1244 relating to Kosovo, or the Dayton Accords or the Conclusions of the Peace Implementation Conference held in London on December 8–9, 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council or its Steering Board, relating to Bosnia and Herzegovina, or

(D) to have materially assisted in, sponsored, or provided financial, material, or technological support for, or goods or services in support of, such acts of violence or obstructionism or any person listed in or designated pursuant to this order, or

(E) to be owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any person listed in or designated pursuant to this order, that are or hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by or to persons determined to be subject to the sanctions imposed under this order would seriously impair the ability to deal with the national emergency declared in this order, and hereby prohibit such donations as provided in paragraph (a) of this section.''

Sec. 4. New sections 7 and 8 are added to Executive Order 13219 to read as follows:

''**Sec. 7.** For those persons listed in the Annex to this order or determined to be subject to the sanctions imposed under this order who might have a constitutional presence in the United States, I have determined that, because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

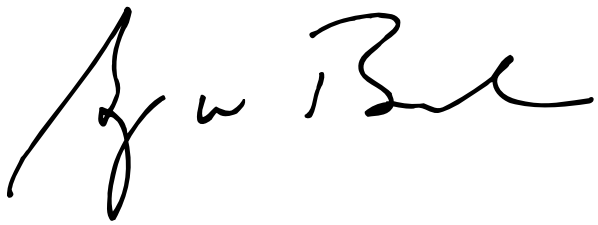
Sec. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant inclusion of a person in the Annex to this order and that such person is therefore no longer covered within the scope of the sanctions set forth herein. Such a determination shall become effective upon publication in the **Federal Register**.''

Sec. 5. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation

of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

Sec. 6. Nothing contained in this order shall create any right or benefit or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 7. This order is effective at 12:01 a.m. eastern daylight time on May 29, 2003. This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,

May 28, 2003.

Billing code 3195–01–P

ANNEX

Ademi, Rahim [born 30 Jan 1954 Karac, SaM; ICTY indictee]
Ademi, Xhevat [born 8 Dec 1962 Tetovo, MK]
Adili, Gafur [born 5 Jan 1959 Kicevo, MK]
Albanian National Army (ANA, a.k.a. AKSh)
Alispahic, Bakir [born 1 Oct 1956, Ahatovici, BiH]
Army of the Republic of Ilirida (ARI)
Arsenovic, Djojo [born 6 Jan 1952, Donje Crnjelovo, BiH]
Bajagic, Zvonko "Duga Puska" [born 6 Sep 1953, Vlasenica, BiH]
Bala, Haradin [born 10 Jun 1957 Gornja Koretica, SaM; ICTY indictee]
Banovic, Predrag [born 28 Oct 1969 Prijedor, BiH; ICTY indictee]
Beqiri, Idajet (Hidajet) [born 20 Feb 1951 Mallakaster Fier, Albania]
Bexheti, Nuri [born 1962 Tetovo, MK]
BIO Corporation (aka, Bosnian Investment Organization), Sarajevo, BiH
Bjelica, Milovan "Cicko" [born19 Oct 1958, Rogatica, BiH, National ID No. 1910958130007]
Blagojevic, Vidoje [born 22 Jun 1950 Bratunac, BiH; ICTY indictee]
Blaskic, Tihomir [born 2 Nov 1960 Brestovsko, BiH; ICTY indictee]
Borovcanin, Ljubomir [born 27 Feb 1960, Han Pijesak, BiH; ICTY indictee]
Borovnica, Goran [born 15 Aug 1965; ICTY indictee]
Boskovski, Ljube [born 24 Oct 1960]
Brdjanin, Radoslav [born 9 Feb 1948 Popovac, BiH; ICTY indictee]
Butka, Spiro [born 29 May 1949]
Cengic, Hasan [born 3 Aug 1957, Odzak, BiH]
Cerkez, Mario [born 27 Mar 1959 Rijeka, BiH; ICTY indictee]
Cesic, Ranko [born 5 Sep 1964 Drvar, BiH; ICTY indictee]
Cesic-Rojs, Ljubo [born 20 Feb 1958, Posulje, BiH]
Cetnik Ravnagorski Pokret (CRP)
Coric, Valentin [born 23 Jun 1956, Citluk, BiH]
Dalipi, Tahir [born 1958 Ilince, SaM]
Delic, Hazim [born 13 May 1964; ICTY indictee]
Deronjic, Miroslav [born 6 June 1945 Bratunac, BiH; ICTY indictee]
Djogo, Jovan [born Kalinovik, BiH]
Dosen, Damir [born 7 Apr 1967 Cirkin Polje, BiH; ICTY indictee]
Elshani, Gafur [born 29 Mar 1958 Suva Reka, SaM]
Front for Albanian National Unity (FBKSh)
Furundzija, Anto [born 8 Jul 1969 Travnik, BiH; ICTY indictee]
Fustar, Dusan [born 29 Jun 1954 Prijedor, BiH; ICTY indictee]
Gajic-Milosevic, Milica [born 1970 Milosevic Family]

Galic, Stanislav [born 12 Mar 1943 Goles, BiH; ICTY indictee]
Gashi, Sabit [born 30 Dec 1967 Suva Reka, SaM]
Gotovina, Ante [born 12 Oct 1955 Pasman, HR; ICTY indictee]
Gruban, Momcilo [born 19 Jun 1961 Bosnian Serb; ICTY indictee]
Habibi, Skender [born 13 Jul 1968 Vitina, SaM]
Hadzihasanovic, Enver [born 7 Jul 1950 Zvornik, BiH; ICTY indictee]
Halili, Nevzat [born 15 Sep 1946 Poroj, MK]
Halilovic, Sefer [born 6 Jan 1952 Prijepolje, SaM; ICTY indictee]
Haradinaj, Daut [born 6 Apr 1978 Glodjane, SaM]
Hasani, Zhavit [born 5 May 1957 Tanusevci, MK]
Haxhirexha, Kastriot [born 9 May 1961 Debar, MK]
Hyseni, Xhemajl [born 15 Aug 1958 Lojane, MK]
Ivanovic, Milan [born 5 Feb 1955]
Jaksic, Marko [born 1954 Mitrovica, SaM]
Jankovic, Gojko [born 31 Oct 1954 Foca, BiH; ICTY indictee]
Jelavic, Ante [born 21 Oct 1963, Potprolog, HR]
Jelisic, Goran [born 7 Jun 1968 Bijeljina, BiH; ICTY indictee]
Jokic, Dragan [born 20 Aug 1957 Grbavci, BiH; ICTY indictee]
Jokic, Miodrag [born 1935 Mionica, SaM; ICTY indictee]
Josipovic, Drago [born 14 Feb 1955 Santici, BiH; ICTY indictee]
Karadzic, Aleksandar "Sasa" [born 14 May 1973, Sarajevo, BiH]
Karadzic, Luka [born 31 Apr 1951, Savnik, SaM]
Karadzic, Radovan [born 19 Jun 1945 Petnica, SaM; ICTY indictee]
Karadzic-Jovicevic, Sonja [born 22 May 1967, Sarajevo, BiH]
Knezevic, Dusan [born 23 Jun 1955 Orlovci, BiH; ICTY indictee]
Kordic, Dario [born 14 Dec 1960 Sarajevo, BiH; ICTY indictee]
Kos, Milojica [born 1 April 1963 Lamovita, BiH; ICTY indictee]
Kovacevic, Vladimir [born 15 Jan 1961; ICTY indictee]
Krajisnik, Momcilo [born 20 Jan 1945 Zabrdje, BiH; ICTY indictee]
Krnojelac, Milorad [born 25 Jul 1940 Birotici, BiH; ICTY indictee]
Krstic, Radislav [born 15 Feb 1948, Nedjeljiste, Vlasenica, BiH; ICTY indictee]
Kryeziu, Izmet [born 3 Oct 1954 Pagarusha-Malishev, SaM]
Kubura, Amir [born 4 Mar 1964 Kakanj, BiH;; ICTY indictee]
Kunarac, Dragoljub [born 15 May 1960 Foca, BiH;; ICTY indictee]
Kvocka, Miroslav [born 1 Jan 1957 Maricka, BiH; ICTY indictee]
Lalovic, Dragan "Mate" [born 14 Jun 1953, Vlaholje, nr. Kalinovik, BiH]
Landzo, Esad [born 7 Mar 1973; ICTY indictee]
Liberation Army of Presevo, Medvedja, and Bujanovac (UCPMB)
Limaj, Fatmir [born 4 Feb 1971 Banja, SaM; ICTY indictee]
Ljubicic, Pasko [born 15 Nov 1965 Nezirovic, BiH; ICTY indictee]
Lladrovici, Ramiz [born 3 Jan 1966]

Lukic, Milan [born 6 Sep 1967 Foca, BiH; ICTY indictee]
Lukic, Sredoje [born 5 Apr 1961 Visegrad, BiH; ICTY indictee]
Lukovic, Milorad Ulemek "Legija" [born 15 Mar 1968 Belgrade, SaM]
Lushtaku, Sami [born 20 Feb 1961 Srbica, SaM]
Manco Oil Company
Mandic, Momcilo "Momo" [born 1 May 1954, Kalinovik, BiH; National ID no. JMB 0105954171511]
Marinic, Zoran [born 6 Jun 1963 Busovaca, BiH; ICTY indictee]
Markovic, Mirjana [born 10 Jul 1942; wife of Slobodan Milosevic]
Markovic, Radovac [born 1946 or 1947 Ex-FRY Deputy Minister of Interior]
Marku, Ton [born 13 Jun 1964]
Martic, Milan [born 18 Nov 1954 Zagrovic, HR; ICTY indictee]
Martinovic, Vinko [born 21 Sep 1963 Mostar, BiH; ICTY indictee]
Mejakic, Zeljko [born 2 Aug 1964 Petrov Gaj, BiH; ICTY indictee]
Milosevic, Borislav [born 1936 Milosevic Family]
Milosevic, Dragomir [born 4 Feb 1942 Murgas, BiH; ICTY indictee]
Milosevic, Marija [born 1965; Milosevic Family]
Milosevic, Marko [born 2 Jul 1974; son of Slobodan Milosevic]
Milosevic, Milanka [Milosevic Family]
Milosevic, Slobodan [born 20 Aug 1941 Pozarevac, SaM ex-FRY President; ICTY indictee]
Milutinovic, Milan [born 19 Dec 1942 Belgrade, SaM; ex-Pres. of Republika Srpska; ICTY indictee]
Mladic, Ratko [born 12 Mar 1943 Bozinovici, BiH; ICTY indictee]
Morina, Xhavit [born 13 Sep 1963 Drenovc]
Mrdja, Darko [born 28 Jun 1967 Zagreb, HR; ICTY indictee]
Mrksic, Milan [born 20 Jul 1947 Vrginmost, HR; ICTY indictee]
Mucic, Zdravko [born 31 Aug 1955; ICTY indictee]
Musliu, Isak [born 31 Oct 1970 Racak, SaM]
Musliu, Jonuz [born 5 Jan 1959 Konculj, SaM]
Musliu, Shefqet [born 12 Feb 1963 Konculj, SaM]
Mustafa, Rrustem [born 27 Feb 1971 Podujevo, SaM]
Naletilic, Mladen [born 1 Dec 1946 Listica, BiH; ICTY indictee]
National Committee for the Liberation and Protection of Albanian Lands (KKCMTsh)
National Liberation Army (NLA, a.k.a. UCK)
National Movement for the Liberation of Kosovo (LKCK)
Ndrecaj, Maliq [born 22 Apr 1969 Maciteve, SaM]
Nikolic, Dragan [born 26 Apr 1957 Vlasenica, BiH; ICTY indictee]
Nikolic, Drago [born 9 Nov 1957 Vlasenica, BiH; ICTY indictee]
Nikolic, Momir [born 20 Feb 1955 Bratunac, BiH; ICTY indictee]
Nikolic, Zarko [born 7 May 1938, Sovljak, SaM]
Obrenovic, Dragan [born 12 Apr 1963 Matino Brdo, BiH; ICTY indictee]

Ojdanic, Dragoljub [born 1 Jun 1941 Ravni-Cajetina, SaM; Ex-Fry Minister of Defense; ICTY indictee]
Oric, Naser [born 3 March 1967, Potocari, BiH; ICTY indictee]
Pandurevic, Vinko [born 1959 Sokolac, BiH; ICTY indictee]
Pavkovic, Nebojsa [born 10/16 Apr 1946 Senjski Rudnik, SaM Ex-VJ Chief of Staff]
Peric, Jozo "Tukesa" [born 31 Jan 1959, Pjesevac Kula, BiH]
Plavsic, Biljana [born 7 Jul 1930 Tuzla, BiH; ICTY indictee]
Political Council of Presevo, Medvedja, and Bujanovac (PCPMB)
Popovic, Vujadin [born 14 Mar 1957; ICTY indictee]
Popular Movement of Kosovo (LPK)
Prcac, Dragoljub [born 18 Jul 1937 Omarska, BiH; ICTY indictee]
PRIVREDNA BANKA AD SRPSKO SARAJEVO (a.k.a. PRIVREDNA BANKA SARAJEVO AD), Str Srpskih Ratnika br 14, 71420 Pale, Republika Srpska, Bosnia-Herzegovina; Dobroslava Jedevica 14, 71000 Pale, Republika Srpska, Bosnia-Herzegovina; Kralja Nikole Str 65, Srbinje/Foca, Republika Srpska, Bosnia-Herzegovina; Ljube Milanovica Str 12, Trebinje, Republika Srpska, Bosnia-Herzegovina; Filipa Kljajica Str 6, Zvornik, Republika Srpska, Bosnia-Herzegovina; 9/11 Str Zagrebacka, Belgrade11000, Serbia
PRIVREDNA BANKA SARAJEVO AD (a.k.a. PRIVREDNA BANKA AD SRPSKO SARAJEVO), Str Srpskih Ratnika br 14, 71420 Pale, Republika Srpska, Bosnia-Herzegovina; Dobroslava Jedevica 14, 71000 Pale, Republika Srpska, Bosnia-Herzegovina; Kralja Nikole Str 65, Srbinje/Foca, Republika Srpska, Bosnia-Herzegovina; Ljube Milanovica Str 12, Trebinje, Republika Srpska, Bosnia-Herzegovina; Filipa Kljajica Str 6, Zvornik, Republika Srpska, Bosnia-Herzegovina; 9/11 Str Zagrebacka, Belgrade11000, Serbia
Puma Security Company (aka Puma Security Service, aka Puma Security Agency), Mostar, Capljina, Stolac, and Siroki Brijeg, BiH
Radic, Miroslav [born 1 Jan 1961; ICTY indictee]
Radic, Mlado [born 15 May 1952 Lamovita, BiH; ICTY indictee]
Rajic, Ivica [born 5 May 1958 Johovac, BiH; ICTY indictee]
Rasevic, Mitar [born 1940 Cagust, BiH; ICTY indictee]
Rexhepi, Daut [born 1962 Poroj, MK]
Roguljic, Slavko [born c. 1952]
Rushiti (Ruxheti), Sait [born 7 Nov 1966]
Sahinpasic, Senad [born c. 1951, Foca, BiH]
Sainovic, Nikola [born 7 Dec 1948 Bor, SaM; Ex-FRY Deputy Prime Minister; ICTY indictee]
Samiu, Izair [born 23 Jul 1963]
Santic, Vladimir [born 1 Apr 1958 Donja Veceriska, BiH; ICTY indictee]
Selimi, Rexhep [born 15 Mar 1971 Iglarevo, SaM]
Seselj, Vojislav [born 11 Oct 1954 Sarajevo, BiH; ICTY indictee]

Shaqiri, Shaqir [born 1 Sep 1964 SaM]
Sikirica, Dusko [born 23 Mar 1964 Cirkin Pojle, BiH; ICTY indictee]
Simatovic, Franko "Frenki" [born 1 April 1950 Belgrade, SaM, ICTY indictee]
Simic, Blagoje [born 1 Jul 1960 Kruskovo Polje; ICTY indictee]
Simic, Milan [born 9 Aug 1960 Sarajevo, BiH; ICTY indictee]
Sljivancanin, Veselin [born 13 Jun 1953 Zabljak, SaM; ICTY indictee]
Sopta, Stanko [born 4 Feb 1966, Duzice, BiH]
Stakic, Milomir [born 19 Jun 1962 Maricka, BiH; ICTY indictee]
Stanisic, Jovica [born 30 July 1950 Ratkovo, SaM, ICTY indictee]
Stankovic, Radovan [born 10 Mar 1953 Trebica, BiH; ICTY indictee]
Stepanovic, Novak [born 25 Apr 1966, Srebrenica, BiH]
Strugar, Pavle [born 13 Jul 1933 Pec, SaM; ICTY indictee]
Subotic, Bogdan [born 25 April 1941, Bosanska Gradiska, BiH]
Suma, Emrush [born 27 May 1974 Dimce, SaM]
Syla, Azem [born 5 Apr 1951 SaM]
Tadic, Dusan, aka "Dusko" aka "Dule" [born 1956, Cajnice, BiH; ICTY indictee]
Tadic, Miroslav [born 12 May 1937 Novi Grad, BiH; ICTY indictee]
Talic, Momir [born 15 Jul 1942 Piskavica, BiH; ICTY indictee]
Todorovic, Stevan [born 29 Dec 1957 Donja Slatina, BiH; ICTY indictee]
Todovic, Savo [born 11 Dec 1952 Rijeka, BiH; ICTY indictee]
Uksini (Ukshini), Sami [born 5 Mar 1963 Gjakova, SaM]
Vasiljevic, Mitar [born 25 Aug 1954 Durevici, BiH; ICTY indictee]
Vukovic, Zoran [born 6 Sep 1955 Brusna, BiH; ICTY indictee]
Xhaferi, Shefit [born 1960]
Xhemajli, Emrush [born 5 May 1959 Urosevac, SaM]
Xhemajli, Muhamet [born 8 Feb 1958 Muhovac, SaM]
Zaric, Simo [born 25 Jul 1948 Trnjak, BiH; ICTY indictee]
Zelen-Karadzic, Ljiljana [born 27 Nov 1945, Sarajevo BiH]
Zelenovic, Dragan [born 12 Feb 1961; ICTY indictee]
Zigic, Zoran [born 20 Sep 1958 Balte, BiH; ICTY indictee]
Zupljanin, Stojan [born 1951 Maslovare, BiH; ICTY indictee]

Note: The bracketed identifying information with respect to each person listed in this Annex reflects information currently available and is provided solely to facilitate compliance with this order. Each individual listed in this Annex remains subject to the prohibitions of this order notwithstanding any change in title, position, or affiliation.

[FR Doc. 03–13694

Filed 5–28–03; 12:48 pm]

Billing Code 4810–25–C

Executive Order 13305

Extension of the President's Information Technology Advisory Committee and the President's Council of Advisors on Science and Technology

Signed: May 28, 2003

Federal Register page and date: 68 FR 32323, May 30, 2003

Amends: EO 13035, February 11, 1997; EO 13226, September 30, 2001

Federal Register
Vol. 68, No. 104
Friday, May 30, 2003

Presidential Documents

Title 3—

The President

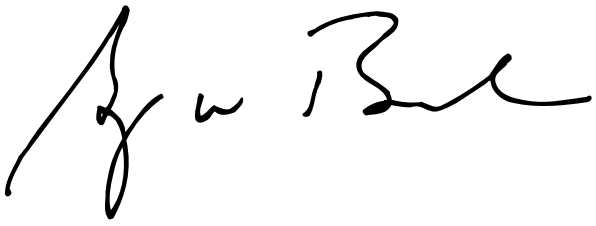
Executive Order 13305 of May 28, 2003

Extension of the President's Information Technology Advisory Committee and the President's Council of Advisors on Science and Technology

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the High-Performance Computing Act of 1991 (Public Law 102–194), as amended by the Next Generation Internet Research Act of 1998 (Public Law 105–305), and in order to extend the life of the President's Information Technology Advisory Committee and the President's Council of Advisors on Science and Technology so that they may continue to carry out their responsibilities, it is hereby ordered as follows:

1. That section 4(b) of Executive Order 13035, as amended, is further amended by deleting ''June 1, 2003,'' and inserting in lieu thereof ''June 1, 2005,''.

2. That section 4(b) of Executive Order 13226 is amended by deleting ''2 years from the date of this order,'' and inserting in lieu thereof ''September 30, 2005,''.



THE WHITE HOUSE,
May 28, 2003.

[FR Doc. 03–13750
Filed 5–29–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13306
Establishing the Bob Hope American Patriot Award

Signed: May 28, 2003
Federal Register page and date: 68 FR 33337, June 3, 2003

Federal Register

Tuesday,
June 3, 2003

Part VIII

The President

Executive Order 13306—Establishing the Bob Hope American Patriot Award

Executive Order 13307—European Central Bank

Federal Register
Vol. 68, No. 106
Tuesday, June 3, 2003

Presidential Documents

Title 3—

The President

Executive Order 13306 of May 28, 2003

Establishing the Bob Hope American Patriot Award

By the authority vested in me as President and as Commander in Chief by the Constitution and the laws of the United States of America, it is ordered as follows:

Section 1. *Establishment of the Award.* In order to encourage love of country, service to the people of the United States, and support for our Armed Forces, and in order to recognize the unique and lifelong service of Bob Hope to the United States Armed Forces and to the Nation through his unwavering patriotism and dedication to maintaining the morale of the troops he entertained for nearly six decades, and on the occasion of his 100th birthday, there is hereby established the Bob Hope American Patriot Award (Award).

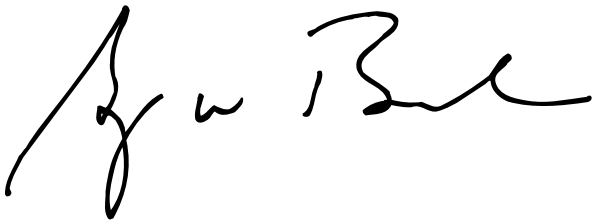
Sec. 2. *Granting and Presentation of the Award.*

(a) The Award may be granted by the President, in his sole discretion, to any civilian individual who has demonstrated extraordinary love of country and devotion to the personnel of the United States Armed Forces, in the form of true patriotism. The Award may also be granted by the President to an organization that meets the same criteria.

(b) Other than in exceptional circumstances, no more than one Award may be granted in any given year.

(c) The presentation of the Award may take place at any time during the year.

(d) Subject to the provisions of this order, the Award may be conferred posthumously.



THE WHITE HOUSE,
May 28, 2003.

[FR Doc. 03–14116
Filed 6–2–03; 9:30 am]
Billing code 3195–01–P

Executive Order 13307
European Central Bank

Signed: May 29, 2003
Federal Register page and date: 68 FR 33338, June 3, 2003

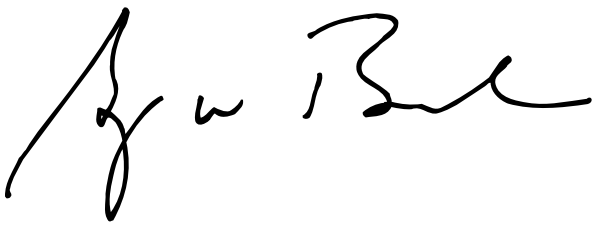
Presidential Documents

Executive Order 13307 of May 29, 2003

European Central Bank

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 1 and 15 of the International Organizations Immunities Act (22 U.S.C. 288 and 288f–5), I hereby extend to the European Central Bank the privileges, exemptions, and immunities provided to public international organizations designated by the President under the International Organizations Immunities Act.

This extension of such privileges, exemptions, and immunities is not intended to abridge in any respect privileges, exemptions, or immunities that the European Central Bank otherwise may have acquired or may acquire by international agreements or by law.



THE WHITE HOUSE,
May 29, 2003.

[FR Doc. 03–14117
Filed 6–2–03; 9:30 am]
Billing code 3195–01–P

Executive Order 13308
Further Amendment to Executive Order 12580, as Amended, Superfund Implementation

Signed: June 20, 2003
Federal Register page and date: 68 FR 37691, June 24, 2003
Amends: EO 12580, January 23, 1987

Federal Register

Tuesday,
June 24, 2003

Part VI

The President

Executive Order 13308—Further Amendment to Executive Order 12580, as Amended, Superfund Implementation

Federal Register
Vol. 68, No. 121
Tuesday, June 24, 2003

Presidential Documents

Title 3—

The President

Executive Order 13308 of June 20, 2003

Further Amendment to Executive Order 12580, as Amended, Superfund Implementation

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 115 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 *et seq.*) (the ''Act''), and section 301 of title 3, United States Code, Executive Order 12580 of January 23, 1987, is hereby amended as follows:

Section 1. In Section 1(b)(1), the phrase ''Sections 105(a), (b), (c), and (g)'' is revised to read ''Sections 105(a), (b), (c), (g) and (h)''.

Sec. 2. In Section 5, a new subsection (f) and a new subsection (g) are added to read as follows:

''(f) The functions vested in the President by Section 107(o) and (p) of the Act are delegated to the heads of the Executive departments and agencies, to be exercised in consultation with the Administrator, with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility under the jurisdiction, custody, or control of those departments and agencies.

(g) Subject to subsection (f) of this Section, the functions vested in the President by Section 107(o) and (p) of the Act are delegated to the Administrator except that, with respect to determinations regarding natural resource restoration, the Administrator shall make such determinations in consultation with the appropriate Federal natural resource trustee.''

Sec. 3. New Sections 12, 13, and 14 are added to read as follows:

''**Sec. 12.** *Brownfields.*

(a) The functions vested in the President by Sections 101(39) and (41) and 104(k) of the Act are delegated to the Administrator.

(b) The functions vested in the President by Section 128(b)(1)(B)(ii) of the Act are delegated to the heads of the Executive departments and agencies, to be exercised in consultation with the Administrator, with respect to property subject to their jurisdiction, custody, or control.

(c) The functions vested in the President by Section 128(b)(1)(E) of the Act are delegated to the heads of Executive departments and agencies in cases where they have acted under subsection (b) of this Section.

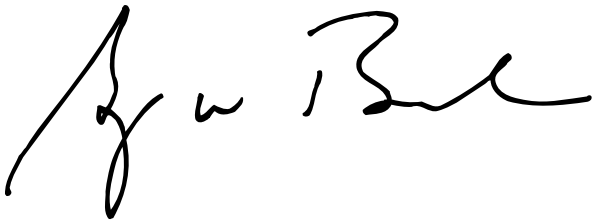
(d) Subject to subsections (b) and (c) of this Section, the functions vested in the President by Section 128 of the Act are delegated to the Administrator.

''**Sec. 13.** *Preservation of Authorities.*

Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

''**Sec. 14.** *General Provision.*

This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.''



THE WHITE HOUSE,
June 20, 2003.

[FR Doc. 03–16102
Filed 6–23–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13309

Amendments to Executive Order 12994, and renaming the President's Committee on Mental Retardation as the President's Committee for People with Intellectual Disabilities

Signed: July 25, 2003

Federal Register page and date: 68 FR 44851, July 30, 2003

Amends: EO 12994, March 21, 1996

Presidential Documents

Executive Order 13309 of July 25, 2003

Amendments to Executive Order 12994, and Renaming the President's Committee on Mental Retardation as the President's Committee for People with Intellectual Disabilities

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to change the name of the ''President's Committee on Mental Retardation'' to the ''President's Committee for People with Intellectual Disabilities'' (the ''Committee'') and expand the membership of the Committee, it is hereby ordered as follows:

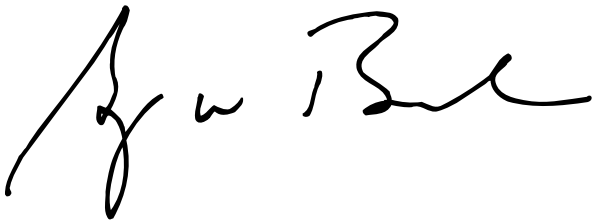
Section 1. The President's Committee on Mental Retardation is hereby renamed the President's Committee for People with Intellectual Disabilities.

Sec. 2. Executive Order 12994 of March 21, 1996, is hereby amended by deleting the words ''mental retardation'' and inserting the words ''intellectual disabilities'' in lieu thereof throughout the text of that order, except in the title, the first line of the preamble, and section 1 of that order.

Sec. 3. Section 1 of Executive Order 12994 is amended by deleting the words ''(the ''Committee'')'' and adding after ''responsibilities,'' the words ''and renamed the President's Committee for People with Intellectual Disabilities (the ''Committee''),''.

Sec. 4. Section 2 of Executive Order 12994 is amended by inserting after ''(5) The Secretary of Housing and Urban Development;'' the following: ''(6) The Secretary of Commerce; (7) The Secretary of Transportation; (8) The Secretary of the Interior; (9) The Secretary of Homeland Security;'' and renumbering former subsections (6) through (9) as subsections (10) through (13).

Sec. 5. The Committee is continued until September 30, 2005.



THE WHITE HOUSE,
July 25, 2003.

[FR Doc. 03–19572
Filed 7–29–03; 8:57 am]
Billing code 3195–01–P

Executive Order 13310
Blocking Property of the Government of Burma and Prohibiting Certain Transactions

Signed: July 28, 2003
Federal Register page and date: 68 FR 44853, July 30, 2003
Amends: EO 13047, May 20, 1997
See: Notice of May 17, 2004

Presidential Documents

Executive Order 13310 of July 28, 2003

Blocking Property of the Government of Burma and Prohibiting Certain Transactions

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Burmese Freedom and Democracy Act of 2003 (July 28, 2003), and section 301 of title 3, United States Code, and in order to take additional steps with respect to the Government of Burma's continued repression of the democratic opposition in Burma and with respect to the national emergency declared in Executive Order 13047 of May 20, 1997;

I, GEORGE W. BUSH, President of the United States of America, hereby order:

Section 1. Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, PublicLaw 106–387) (TSRA), or regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(a) the persons listed in the Annex attached and made a part of this order; and

(b) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State,

(i) to be a senior official of the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, or any successor entity to any of the foregoing; or

(ii) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

Sec. 2. Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)), the TSRA, or regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, the following are prohibited:

(a) the exportation or reexportation, directly or indirectly, to Burma of any financial services either (i) from the United States or (ii) by a United States person, wherever located; and

(b) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by this order if performed by a United States person or within the United States;

Sec. 3. Beginning 30 days after the effective date of this order, and except to the extent provided in section 8 of this order and in regulations, orders,

directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to 30 days after the effective date of this order, the importation into the United States of any article that is a product of Burma is hereby prohibited.

Sec. 4. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 5. For purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term ''Government of Burma'' means the Government of Burma (sometimes referred to as Myanmar), its agencies, instrumentalities and controlled entities, and the Central Bank of Burma.

Sec. 6. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by or to persons whose property and interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13047, and hereby prohibit such donations as provided by section 1 of this order.

Sec. 7. For those persons whose property and interests in property are blocked pursuant to section 1 of this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13047, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 8. Determining that such a waiver is in the national interest of the United States, I hereby waive the prohibitions described in section 3 of the Burmese Freedom and Democracy Act of 2003 with respect to any and all articles that are a product of Burma to the extent that prohibiting the importation of such articles would conflict with the international obligations of the United States under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, and other legal instruments providing equivalent privileges and immunities.

Sec. 9. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and sections 3(a) and 4 of the Burmese Freedom and Democracy Act of 2003, other than the authority to make the determinations and certification to the Congress that Burma has met the conditions described in 3(a)(3) of the Act, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. The Secretary of State is authorized to exercise the functions and authorities conferred upon the President by section 3(b) of the Burmese Freedom and Democracy Act of 2003 and to redelegate these functions and authorities consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 10. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant inclusion of a person in the Annex to this order and that the property and interests in property of that person are therefore no longer blocked pursuant to section 1 of this order.

Sec. 11. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

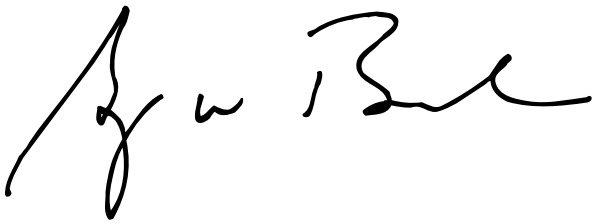
Sec. 12. Sections 1 through 7 of Executive Order 13047 are hereby revoked to the extent they are inconsistent with this order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order 13047, not inconsistent with section 3 of this order and not revoked administratively, shall remain in full force and effect under this order until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order 13047 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under that order during the period that such provision of that order was in effect.

Sec. 13. All provisions of this order other than section 3 shall not apply to any activity, or any transaction incident to an activity, undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that was entered into by a United States person with the Government of Burma or a nongovernmental entity in Burma prior to 12:01 a.m. eastern daylight time on May 21, 1997.

Sec. 14. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

Sec. 15. This order is effective on 12:01 a.m. eastern daylight time on July 29, 2003.

Sec. 16. This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
July 28, 2003.

Billing code 3195–01–P

Annex

The State Peace and Development Council of Burma

Myanma Foreign Trade Bank (a.k.a. Myanmar Foreign Trade Bank)

Myanma Investment and Commercial Bank (a.k.a. MICB; a.k.a. Myanmar Investment and Commercial Bank)

Myanma Economic Bank (a.k.a. Myanmar Economic Bank)

[FR Doc. 03–19573
Filed 7–29–03; 8:57 am]
Billing code 3110–01–M

Executive Order 13311
Homeland Security Information Sharing

Signed: July 29, 2003
Federal Register page and date: 68 FR 45149, July 31, 2003
See: EO 12958, April 17, 1995; EO 12968, August 2, 1995

Presidential Documents

Executive Order 13311 of July 29, 2003

Homeland Security Information Sharing

By the authority vested in me by the Constitution and the laws of the United States, including sections 892 and 893 of the Homeland Security Act of 2002 (the ''Act'') (6 U.S.C. 482 and 483) and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. *Assignment of Functions.* (a) The functions of the President under section 892 of the Act are assigned to the Secretary of Homeland Security (the ''Secretary''), except the functions of the President under subsections 892(a)(2) and 892(b)(7).

(b) Subject to section 2(b) of this order, the function of the President under section 893 of the Act is assigned to the Secretary.

(c) Procedures issued by the Secretary in the performance of the function of the President under section 892(a)(1) of the Act shall apply to all agencies of the Federal Government. Such procedures shall specify that the President may make, or may authorize another officer of the United States to make, exceptions to the procedures.

(d) The function of the President under section 892(b)(7) of the Act is delegated to the Attorney General and the Director of Central Intelligence, to be exercised jointly.

(e) In performing the functions assigned to the Secretary by subsection (a) of this section, the Secretary shall coordinate with the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Energy, the Director of the Office of Management and Budget, the Director of Central Intelligence, the Archivist of the United States, and as the Secretary deems appropriate, other officers of the United States.

(f) A determination, under the procedures issued by the Secretary in the performance of the function of the President under section 892(a)(1) of the Act, as to whether, or to what extent, an individual who falls within the category of ''State and local personnel'' as defined in sections 892(f)(3) and (f)(4) of the Act shall have access to information classified pursuant to Executive Order 12958 of April 17, 1995, as amended, is a discretionary determination and shall be conclusive and not subject to review or appeal.

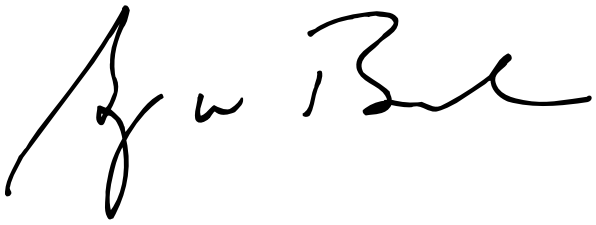
Sec. 2. *Rules of Construction.* Nothing in this order shall be construed to impair or otherwise affect:

(a) the authority of the Director of Central Intelligence under section 103(c)(7) of the National Security Act of 1947, as amended (50 U.S.C. 403–3(c)(7)), to protect intelligence sources and methods from unauthorized disclosure;

(b) the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals; or

(c) the provisions of Executive Orders 12958 of April 17, 1995, as amended, and 12968 of August 2, 1995, as amended.

Sec. 3. *General Provision.* This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,
July 29, 2003.

[FR Doc. 03–19675
Filed 7–30–03; 9:18 am]
Billing code 3195–01–P

Executive Order 13312
Implementing the Clean Diamond Trade Act

Signed: July 29, 2003
Federal Register page and date: 68 FR 45151, July 31, 2003
See: EO 13194, January 8, 2001; EO 13213, May 22, 2001

Presidential Documents

Executive Order 13312 of July 29, 2003

Implementing the Clean Diamond Trade Act

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Clean Diamond Trade Act (Public Law 108–19) (the ''Act''), the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c), and section 301 of title 3, United States Code, and in view of the national emergency described and declared in Executive Order 13194 of January 18, 2001, and expanded in scope in Executive Order 13213 of May 22, 2001,

I, GEORGE W. BUSH, President of the United States of America, note that, in response to the role played by the illicit trade in diamonds in fueling conflict and human rights violations in Sierra Leone, the President declared a national emergency in Executive Order 13194 and imposed restrictions on the importation of rough diamonds into the United States from Sierra Leone. I expanded the scope of that emergency in Executive Order 13213 and prohibited absolutely the importation of rough diamonds from Liberia. I further note that representatives of the United States and numerous other countries announced in the Interlaken Declaration of November 5, 2002, the launch of the Kimberley Process Certification Scheme (KPCS) for rough diamonds, under which Participants prohibit the importation of rough diamonds from, or the exportation of rough diamonds to, a non-Participant and require that shipments of rough diamonds from or to a Participant be controlled through the KPCS. The Clean Diamond Trade Act authorizes the President to take steps to implement the KPCS. Therefore, in order to implement the Act, to harmonize Executive Orders 13194 and 13213 with the Act, to address further threats to international peace and security posed by the trade in conflict diamonds, and to avoid undermining the legitimate diamond trade, it is hereby ordered as follows:

Section 1. *Prohibitions.* Notwithstanding the existence of any rights or obligations conferred or imposed by any contract entered into or any license or permit granted prior to July 30, 2003, the following are, except to the extent a waiver issued under section 4(b) of the Act applies, prohibited:

(a) the importation into, or exportation from, the United States on or after July 30, 2003, of any rough diamond, from whatever source, unless the rough diamond has been controlled through the KPCS;

(b) any transaction by a United States person anywhere, or any transaction that occurs in whole or in part within the United States, that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this section; and

(c) any conspiracy formed to violate any of the prohibitions of this section.

Sec. 2. *Assignment of Functions.* (a) The functions of the President under the Act are assigned as follows:

(i) sections 4(b), 5(c), 6(b), 11, and 12 to the Secretary of State; and

(ii) sections 5(a) and 5(b) to the Secretary of the Treasury.

(b) The Secretary of State and the Secretary of the Treasury may reassign any of these functions to other officers, officials, departments, and agencies within the executive branch, consistent with applicable law.

(c) In performing the function of the President under section 11 of the Act, the Secretary of State shall establish the coordinating committee as part of the Department of State for administrative purposes only, and shall, consistent with applicable law, provide administrative support to the coordinating committee. In the performance of functions assigned by subsection 2(a) of this order or by the Act, the Secretary of State, the Secretary of the Treasury, and the Secretary of Homeland Security shall consult the coordinating committee, as appropriate.

Sec. 3. *Amendments to Related Executive Orders.* (a) Section 1 of Executive Order 13194 of January 18, 2001, is revised to read as follows:

''**Section 1.** Except to the extent provided by section 2 of this order, and notwithstanding the existence of any rights or obligations conferred or imposed by any contract entered into or any license or permit granted prior to the effective date of this order, the importation into, or exportation from, the United States of any rough diamond from Sierra Leone, on or after July 30, 2003, is prohibited.''

(b) Section 2 of Executive Order 13194 is revised to read as follows: ''**Sec. 2.** The prohibitions in section 1 of this order shall not apply to the importation or exportation of any rough diamond that has been controlled through the Kimberley Process Certification Scheme.''

(c) Sections 4(c), (d), and (e) of Executive Order 13194 are deleted, and the word ''and'' is added after the semicolon at the end of section 4(a).

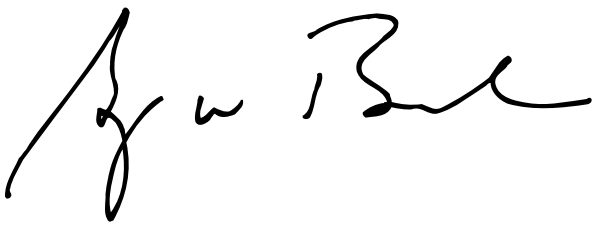
(d) Section 1 of Executive Order 13213 of May 22, 2001, is revised to read as follows: ''**Section 1.** Notwithstanding the existence of any rights or obligations conferred or imposed by any contract entered into or any license or permit granted prior to the effective date of this order, the direct or indirect importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia, on or after July 30, 2003, is prohibited.''

Sec. 4. *Definitions.* For the purposes of this order and Executive Order 13194, the definitions set forth in section 3 of the Act shall apply, and the term ''Kimberley Process Certification Scheme'' shall not be construed to include any changes to the KPCS after April 25, 2003.

Sec. 5. *General Provisions.* This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

Sec. 6. *Effective Date and Transmittal.* (a) Sections 1 and 3 of this order are effective at 12:01 a.m. eastern daylight time on July 30, 2003. The remaining provisions of this order are effective immediately.

(b) This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
July 29, 2003.

[FR Doc. 03–19676
Filed 7–30–03; 9:18 am]
Billing code 3195–01–P

Executive Order 13313
Delegation of Certain Congressional Reporting Functions

Signed: July 31, 2003
Federal Register page and date: 68 FR 46073, August 5, 2003

Federal Register
Vol. 68, No. 150
Tuesday, August 5, 2003

Presidential Documents

Title 3—

The President

Executive Order 13313 of July 31, 2003

Delegation of Certain Congressional Reporting Functions

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. The functions of the President of submitting certain recurring reports to the Congress are assigned as follows:

(a) The Secretary of State shall submit the following reports:

1. Report on Kosovo Peacekeeping, consistent with section 1213 of Public Law 106–398;

2. Report on Bosnia and U.S. Forces in NATO-Led Stabilization Force (SFOR), consistent with section 7(b) of Public Law 105–174 and section 1203(a) of Public Law 105–261;

3. Report on Partnership for Peace Developments, consistent with section 514 of Public Law 103–236 (22 U.S.C. 1928 note);

4. Report on U.S. Military Personnel and U.S. Civilian Contractors in Colombia, consistent with section 3204(f) of Public Law 106–246;

5. Report on Nuclear Nonproliferation, consistent with section 601(a) of Public Law 95–242, as amended by Public Law 103–236 (22 U.S.C. 3281(a));

6. Report on Resolution of the Cyprus Dispute, consistent with section 620C(c) of Public Law 87–195, as amended by Public Law 95–384 (22 U.S.C. 2373(c));

7. Report on Peacekeeping, consistent with section 4 of Public Law 79–264, as amended (22 U.S.C. 287b);

8. Report on Proposed Refugee Admissions, consistent with section 207(d)(1) of Public Law 96–212 (8 U.S.C. 1157(d)(1));

9. Report on Continued Compliance With the Provisions of the Jackson-Vanik Amendment, consistent with sections 402(b) and 409(b) of Public Law 93–618, as amended (19 U.S.C. 2432(b), 2439(b));

10. Report Regarding Conditions in Burma and U.S. Policy Toward Burma, consistent with section 570(d) of Public Law 104–208;

11. Report on Tibet Negotiations, consistent with section 613(b) of Public Law 107–228 (22 U.S.C. 6901 note);

12. Report on Strategy for Meeting Security Needs of Afghanistan, consistent with section 206(c)(2) of Public Law 107–327 (22 U.S.C. 7536(c)(2));

13. Report on Proliferation of Missiles and Essential Components of Nuclear, Biological, Chemical, and Radiological Weapons, consistent with section 1308(a) of Public Law 107–228 (50 U.S.C. 2368(a));

14. Report on the National Emergency With Respect to Proliferation of Weapons of Mass Destruction, Executive Order 12938, consistent with section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c);

15. Report on Adherence to and Compliance With Arms Control Agreements and Nonproliferation Agreements and Commitments, consistent with section 403 of Public Law 87–297, as amended (22 U.S.C. 2593a);

16. Report on Chemical Weapons Convention Inspections, consistent with section 309 of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6728);

17. Report on U.S. Participation in the United Nations, consistent with section 4 of Public Law 79–264, as amended (22 U.S.C. 287b); and

18. Report on Russian Proliferation to Iran and Other Countries of Proliferation Concern, consistent with section 1206 of Public Law 107–314 (22 U.S.C. 5952 note).

(b) The Secretary of the Treasury shall submit the following reports:

1. Report on the National Emergency With Respect to Libya, Executive Order 12543, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c);

2. Report on the National Emergency With Respect to the Western Balkans, Executive Order 13219, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c);

3. Report on the National Emergency With Respect to the Risk of Nuclear Proliferation Relating to the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons of the Government of the Russian Federation, Executive Order 13159, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c);

4. Report on the National Emergency With Respect to Burma, Executive Order 13047, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c);

5. Report on the National Emergency With Respect to Middle East Terrorism, Executive Order 12947, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c);

6. Report on the National Emergency With Respect to the 1979 Iranian Emergency and Assets Blocking, Executive Order 12170, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c);

7. Report on the National Emergency With Respect to Iranian Petroleum Resources, Executive Order 12957, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c);

8. Report on the National Emergency With Respect to Significant Narcotics Traffickers Centered in Colombia, Executive Order 12978, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c);

9. Report on the National Emergency With Respect to Persons Who Commit, Threaten to Commit, or Support Terrorism, Executive Order 13224, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c);

10. Report on the National Emergency With Respect to Sierra Leone and Liberia, Executive Order 13194, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c);

11. Report on the National Emergency With Respect to Sudan, Executive Order 13067, consistent with section 401(c) of the National Emergencies

Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c);

12. Report on the National Emergency With Respect to Iraq, Executive Order 12722, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c);

13. Report on the National Emergency With Respect to the Development Fund for Iraq, Executive Order 13303, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c);

14. Classified Report on the Status of Sanctions Imposed on Significant Foreign Narcotics Traffickers, consistent with section 804(d) of Public Law 106–120 (21 U.S.C. 1903(d));

15. Report on Telecommunications Payments Made to Cuba Pursuant to Department of the Treasury Specific Licenses, consistent with section 1705(e)(6) of Public Law 102–484, as amended by Public Law 104–114 (22 U.S.C. 6004(e)(6));

16. Report on the National Emergency With Respect to Persons Undermining Democratic Processes or Institutions in Zimbabwe, Executive Order 13288, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c); and

17. Report on International Debt Relief, consistent with section 1000(a)(5) of Public Law 106–113.

(c) The Secretary of Defense shall submit the following reports:

1. Report on Kosovo Benchmarks, consistent with section 1212(c) of Public Law 106–398; and

2. Report on the National Emergency With Respect to Terrorist Attacks on the United States, Proclamation 7463 of September 14, 2001, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

(d) The Secretary of Commerce shall submit the Report on the National Emergency Caused by the Lapse of the Export Administration Act of 1979, Executive Order 13222, consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

(e) The Director of Central Intelligence shall submit the following reports:

1. Report on Foreign Economic Collection and Industrial Espionage, consistent with section 809(b) of Public Law 103–359 (50 U.S.C. App. 2170(b)); and

2. Reports on Commerce With, and Assistance to, Cuba from Other Foreign Countries, consistent with section 108(a) of Public Law 104–114 (22 U.S.C. 6038(a)).

(f) The Director of National Drug Control Policy shall submit the Report on Support for Plan Colombia, consistent with section 3204(e) of Public Law 106–246.

Sec. 2. Reports to the Congress described in certain Senate resolutions shall be submitted as follows:

(a) The Secretary of State shall submit the following reports:

1. Report on the Inter-American Convention Against Corruption, consistent with the Resolution of Advice and Consent to Ratification of the Inter-American Convention Against Corruption adopted by the Senate on July 27, 2000;

2. Report on Compliance With the Treaty on Conventional Armed Forces in Europe, consistent with Condition 5(C) of the Resolution of Advice and

Consent to Ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990;

3. Report on Chemical Weapons Convention Compliance, consistent with Condition 10(C) of the Resolution of Advice and Consent to the Chemical Weapons Convention adopted by the Senate on April 24, 1997; and

4. Report on Moscow Treaty Implementation, consistent with section 2(2) of the Resolution of Advice and Consent to Ratification of the Treaty on Strategic Offensive Reductions of May 24, 2002.

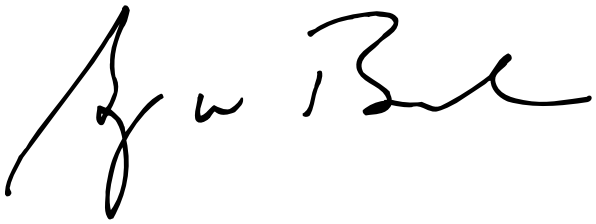
(b) The Secretary of Commerce shall submit the Report on the Status of the World Intellectual Property Organization Copyright Treaty and the Performance and Phonograms Treaty, consistent with the Senate's resolution of ratification of October 21, 1998.

(c) The Secretary of Defense shall submit the Report on Moscow Treaty Implementation, consistent with section 2(1) of the Resolution of Advice and Consent to Ratification of the Treaty on Strategic Offensive Reductions of May 24, 2002.

Sec. 3. In carrying out sections 1 and 2 of this order, officers of the United States shall ensure that all actions taken by them are consistent with the President's constitutional authority to: (a) conduct the foreign affairs of the United States; (b) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties; (c) recommend for congressional consideration such measures as the President may judge necessary and expedient; and (d) supervise the unitary executive branch.

Sec. 4. Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

Sec. 5. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.



THE WHITE HOUSE,
July 31, 2003.

[FR Doc. 03–20013
Filed 8–4–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13314
Waiver Under the Trade Act of 1974 With Respect to Turkmenistan

Signed: August 8, 2003
Federal Register page and date: 68 FR 48249, August 13, 2003

Federal Register
Vol. 68, No. 156
Wednesday, August 13, 2003

Presidential Documents

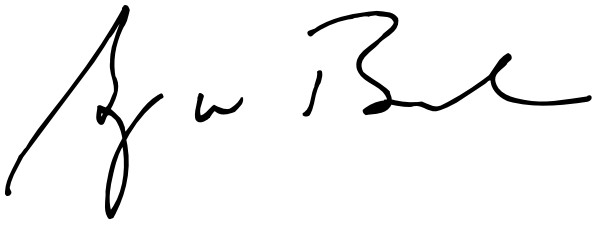
Title 3—

The President

Executive Order 13314 of August 8, 2003

Waiver Under the Trade Act of 1974 With Respect to Turkmenistan

By the authority vested in me as President by the Constitution and the laws of the United States of America, including subsection 402(c)(2) and (d) of the Trade Act of 1974, as amended (the ''Act'') (19 U.S.C. 2432(c)(2) and (d)), and having made the report to the Congress set forth in subsection 402(c)(2), I hereby waive the application of subsections (a) and (b) of section 402 of the Act with respect to Turkmenistan.



THE WHITE HOUSE,
August 8, 2003.

[FR Doc. 03–20764
Filed 8–12–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13315

Blocking Property of the Former Iraqi Regime, Its Senior Officials and Their Family Members, and Taking Certain Other Actions

Signed: August 28, 2003

Federal Register page and date: 68 FR 52315, August 28, 2003

See: EO 13303, May 22, 2003; Notice of May 20, 2004 (69 FR 29409)

Superseded in part by: EO 13350, July 29, 2004

Presidential Documents

Executive Order 13315 of August 28, 2003

Blocking Property of the Former Iraqi Regime, Its Senior Officials and Their Family Members, and Taking Certain Other Actions

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, in view of United Nations Security Council Resolution 1483 of May 22, 2003, and in order to take additional steps with respect to the situation in Iraq,

I, GEORGE W. BUSH, President of the United States of America, hereby expand the scope of the national emergency declared in Executive Order 13303 of May 22, 2003, to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in that country, and the development of political, administrative, and economic institutions in Iraq. I find that the removal of Iraqi property from that country by certain senior officials of the former Iraqi regime and their immediate family members constitutes one of these obstacles. I further determine that the United States is engaged in armed hostilities and that it is in the interest of the United States to confiscate certain additional property of the former Iraqi regime, certain senior officials of the former regime, immediate family members of those officials, and controlled entities. I intend that such property, after all right, title, and interest in it has vested in the Department of the Treasury, shall be transferred to the Development Fund for Iraq. Such property shall be used to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, for the costs of Iraqi civilian administration, and for other purposes benefiting the Iraqi people. I determine that such use would be in the interest of and for the benefit of the United States. I hereby order:

Section 1. Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), or regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the former Iraqi regime or its state bodies, corporations, or agencies, or of the following persons, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(a) the persons listed in the Annex to this order; and

(b) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State,

(i) to be senior officials of the former Iraqi regime or their immediate family members; or

(ii) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any of the persons listed in the Annex to this order or determined to be subject to this order.

Sec. 2. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to confiscate property that is blocked pursuant to section 1 of this order and that he determines, in consultation with the Secretary of State, to belong to a person, organization, or country that has planned, authorized, aided, or engaged in armed hostilities against the United States. All right, title, and interest in any property so confiscated shall vest in the Department of the Treasury. Such vested property shall promptly be transferred to the Development Fund for Iraq.

Sec. 3. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 4. For purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States;

(d) the term ''former Iraqi regime'' means the Saddam Hussein regime that governed Iraq until on or about May 1, 2003;

(e) the term ''coalition authority'' means the Coalition Provisional Authority under the direction of its Administrator, and the military forces of the United States, the United Kingdom, and their coalition partners present in Iraq under the command or operational control of the Commander of United States Central Command; and

(f) the term ''Development Fund for Iraq'' means the fund established on or about May 22, 2003, on the books of the Central Bank of Iraq, by the Administrator of the Coalition Provisional Authority responsible for the temporary governance of Iraq and all accounts held for the fund or for the Central Bank of Iraq in the name of the fund.

Sec. 5. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by or to persons determined to be subject to the sanctions imposed under this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13303 and expanded in scope in this order and would endanger Armed Forces of the United States that are engaged in hostilities, and I hereby prohibit such donations as provided by section 1 of this order.

Sec. 6. For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13303 and expanded in scope in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

Sec. 7. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government, consistent with applicable law. All agencies of the United States Government

are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant inclusion of a person in the Annex to this order and that such person is therefore no longer covered within the scope of the order.

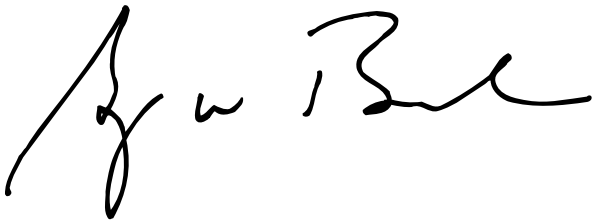
Sec. 9. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 10. This order shall not apply to such property as is or may come under the control of the coalition authority in Iraq. Nothing in this order is intended to affect dispositions of such property or other determinations by the coalition authority.

Sec. 11. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, officers or employees, or any other person.

Sec. 12. This order is effective on 12:01 a.m. EDT on August 29, 2003.

Sec. 13. This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,

August 28, 2003.

Billing code 3195–01–P

ANNEX

Saddam Hussein al-Tikriti
[DOB 28 Apr 1937; POB al-Awja, near Tikrit, Iraq; President since 1979; nationality Iraqi; a.k.a. Abu Ali]

Qusay Saddam Hussein al-Tikriti
[DOB 1965; alt. DOB 1966; POB Baghdad, Iraq; Saddam Hussein al-Tikriti's second son; oversaw Special Republican Guard, Special Security Organization, and Republican Guard; nationality Iraqi]

Uday Saddam Hussein al-Tikriti
[DOB 1964; alt. DOB 1967; POB Baghdad, Iraq; Saddam Hussein al-Tikriti's eldest son; leader of paramilitary organization Fedayeen Saddam; nationality Iraqi]

Abid Hamid Mahmud al-Tikriti
[DOB circa 1957; POB al-Awja, near Tikrit, Iraq; Saddam Hussein al-Tikriti's presidential secretary and key advisor; nationality Iraqi; a.k.a. Abid Hamid bid Hamid Mahmud; a.k.a. Col. Abdel Hamid Mahmoud; a.k.a. Abed Mahmoud Hammud]

Ali Hassan al-Majid al-Tikriti
[DOB 1943; POB al-Awja, near Tikrit, Iraq; presidential advisor and senior member of Revolutionary Command Council; nationality Iraqi; a.k.a. al-Kimawi]

Izzat Ibrahim al-Duri
[DOB circa 1942; POB al-Dur, Iraq; deputy commander-in-chief of Iraqi military; deputy secretary, Ba'th party regional command; vice chairman, Revolutionary Command Council; nationality Iraqi; a.k.a. Abu Brays]

Hani abd-al-Latif Tilfah al-Tikriti
[DOB circa 1962; POB al-Awja, near Tikrit, Iraq; Special Security Organization; nationality Iraqi]

Aziz Salih al-Numan
[DOB 1941; alt. DOB 1945; POB An Nasiriyah, Iraq; Ba'th party regional command chairman; nationality Iraqi]

Muhammad Hamza Zubaidi
[DOB 1938; POB Babylon, Babil Governorate, Iraq; former prime minister; nationality Iraqi]

Kamal Mustafa Abdallah
[DOB 1952; alt. DOB 4 May 1955; POB Tikrit, Iraq; Republican Guard Secretary; led Special Republican Guard and commanded both Republican Guard corps; nationality Iraqi; a.k.a. Kamal Mustafa Abdallah Sultan al-Tikriti]

Barzan abd al-Ghafur Sulaiman Majid al-Tikriti
[DOB 1960; POB Salah al-Din, Iraq; commander, Special Republican Guard; nationality Iraqi; a.k.a. Barzan Razuki abd al-Ghafur]

Muzahim Sa'b Hassan al-Tikriti
[DOB circa 1946; alt. DOB 1949; POB al-Awja, near Tikrit, Iraq; led Iraq's Air Defense Forces; Deputy Director, Organization of Military Industrialization; nationality Iraqi]

Ibrahim Ahmad abd al-Sattar Muhammed al-Tikriti
[DOB 1943; alt. DOB 1950; alt. DOB 1952; POB Ba'qubah or al-Sumayda/Shirqat, Iraq; armed forces chief of staff; nationality Iraqi]

Saif-al-Din Fulayyih Hassan Taha al-Rawi
[DOB 1953; POB Ar Ramadi, al-Anbar Governorate, Iraq; Republican Guard chief of staff; nationality Iraqi; a.k.a. Ayad Futayyih al-Rawi]

Rafi abd-al-Latif Tilfah al-Tikriti
[DOB circa 1954; POB Tikrit, Iraq; Director, Directorate of General Security; nationality Iraqi]

Tahir Jalil Habbush al-Tikriti
[DOB 1950; POB Tikrit, Iraq; director of Iraqi Intelligence Service; nationality Iraqi]

Hamid Raja Shalah al-Tikriti
[DOB 1950; POB Bayji, Salah al-Din Governorate, Iraq; air force commander; nationality Iraqi; a.k.a. Hamid Raja-Shalah Hassan al-Tikriti; a.k.a. Hamid Raja-Shalah Hassum al-Tikriti]

Latif Nusayyif Jasim al-Dulaymi
[DOB circa 1941; POB Ar-Rashidiya suburb of Baghdad, Iraq; Ba'ath party military bureau deputy chairman; nationality Iraqi]

Abd-al-Tawab Mullah Huwaysh
[DOB 1957; alt. DOB 14 March 1942; POB Mosul or Baghdad, Iraq; deputy prime minister; director, Organization of Military; nationality Iraqi]

Taha Yassin Ramadan al-Jizrawi
[DOB circa 1938; vice president since 1991; nationality Iraqi]

Rukan Razuki abd-al-Ghafur Sulaiman al-Tikriti
[DOB 1956; POB Tikrit, Iraq; head of Tribal Affairs Office in presidential office; nationality Iraqi; a.k.a. Rukan abdal-Ghaffur Sulayman al-Majid; a.k.a. Rukan abd al-Gafur al-Majid; a.k.a. Rukan abd al-Ghaffur al-Majid al-Tikriti; a.k.a. Rukan Razuqi abd al-Gahfur al-Majid; a.k.a. Rukan 'abd al-Ghaffur al-Majid al-Tikriti; a.k.a. Abu Walid]

Jamal Mustafa Abdallah Sultan al-Tikriti
[DOB 4 May 1955; POB al-Samnah, near Tikrit, Iraq; deputy head of tribal affairs in presidential office; nationality Iraqi]

Mizban Khadr Hadi
[DOB 1938; POB Mandali District, Diyala, Iraq; member, Ba'th party regional command and Revolutionary Command Council since 1991; nationality Iraqi]

Taha Muhyi-al-Din Ma'ruf
[DOB 1924; POB Sulaymaniyah, Iraq; Vice President; member of Revolutionary Command Council; nationality Iraqi]

Tariq Aziz
[DOB 1 Jul 1936; POB Mosul or Baghdad, Iraq; Deputy Prime Minister; Passport No. NO34409/129 (July 1997); nationality Iraqi; a.k.a. Tariq Mikhail Aziz]

Walid Hamid Tawfiq al-Tikriti
[DOB circa 1950; POB Tikrit, Iraq; Governor of Basrah; nationality Iraqi; a.k.a. Walid Hamid Tawfiq al-Nasiri]

Sultan Hashim Ahmad al-Tai
[DOB circa 1944; POB Mosul, Iraq; Minister of Defense; nationality Iraqi]

Hikmat Mizban Ibrahim al-Azzawi
[DOB 1934; POB Diyala, Iraq; Deputy Prime Minister and Finance Minister; nationality Iraqi]

Mahmud Dhiyab al-Ahmad
[DOB 1953; POB Mosul or Baghdad, Iraq; Minister of Interior; nationality Iraqi]

Ayad Futayyih Khalifa al-Rawi
[DOB 1942; POB Rawah, Iraq; Quds Force Chief of Staff; nationality Iraqi]

Zuhair Talib abd-al-Sattar al-Naqib
[DOB circa 1948; Director, Military Intelligence; nationality Iraqi]

Amir Hamudi Hassan al-Sa'di
[DOB 5 Apr 1938; POB Baghdad, Iraq; presidential scientific advisor; Passport No. NO33301/862, issued 17 October 1997, expires 1 October 2005; Passport No. M0003264580; Passport No. H0100009, issued 1 May 2002; nationality Iraqi]

Amir Rashid Muhammad al-Ubaidi
[DOB 1939; POB Baghdad, Iraq; Minister of Oil; nationality Iraqi]

Husam Muhammad Amin al-Yassin
[DOB 1953; alt. DOB 1958; POB Tikrit, Iraq; head, National Monitoring Directorate; nationality Iraqi]

Muhammad Mahdi al-Salih
[DOB 1947; alt. DOB 1949; POB al-Anbar Governorate, Iraq; Minister of Trade; nationality Iraqi]

Sab'awi Ibrahim Hassan al-Tikriti
[DOB 1947; POB Tikrit, Iraq; presidential advisor; half-brother of Saddam Hussein al-Tikriti; nationality Iraqi]

Watban Ibrahim Hassan al-Tikriti
[DOB 1952; POB Tikrit, Iraq; presidential advisor; half-brother of Saddam Hussein al-Tikriti; nationality Iraqi; a.k.a. Watab Ibrahim al-Hassan]

Barzan Ibrahim Hassan al-Tikriti
[DOB 1951; POB Tikrit, Iraq; presidential advisor; half-brother of Saddam Hussein al-Tikriti; Passport No. M0001666/970; Passport No. NM0000860/114; Passport No. M0009851/1; nationality Iraqi]

Huda Salih Mahdi Ammash
[DOB 1953; POB Baghdad, Iraq; member, Ba'ath party regional command; nationality Iraqi]

Abd-al-Baqi abd-al-Karim Abdallah al-Sad'un
[DOB 1947; Ba'th party regional command chairman, Diyala; nationality Iraqi]

Muhammad Zimam abd-al-Razzaq al-Sa'dun
[DOB 1942; POB Suq ash-Shuyukh District, Dhi-Qar, Iraq; Ba'th party regional chairman, at-Tamim; nationality Iraqi]

Samir abd al-Aziz al-Najim
[DOB 1937; POB 1938, Baghdad, Iraq; Ba'th party regional command chairman, East Baghdad; nationality Iraqi]

Humam abd-al-Khaliq abd-al-Ghafur
[DOB 1945; POB ar-Ramadi, Iraq; Minister of Higher Education and Research; Passport No. M0018061/104, issued 12 September 1993; nationality Iraqi; a.k.a. Humam 'abd al-Khaliq 'abd al-Rahman; a.k.a. Humam 'abd al-Khaliq Rashid]

Yahia Abdallah al-Ubaidi
[Ba'th party regional command chairman, al-Basrah; nationality Iraqi]

Nayif Shindakh Thamir Ghalib
[Ba'th party regional command chairman, an-Najaf; member, Iraqi National Assembly; nationality Iraqi]

Saif-al-Din al-Mashhadani
[DOB 1956; POB Baghdad, Iraq; Ba'th party regional command chairman, al-Muthanna; nationality Iraqi]

Fadil Mahmud Gharib
[DOB 1944; POB Dujail, Iraq; Ba'th party regional command chairman, Babil; chairman, General Federation of Iraqi Trade Unions; nationality Iraqi; a.k.a. Gharib Muhammad Fazel al-Mashaikhi]

Muhsin Khadr al-Khafaji
[Ba'th party regional command chairman, al-Qadisiyah; nationality Iraqi]

Rashid Taan Kazim
[Ba'th party regional command chairman, al-Anbar; nationality Iraqi]

Ugla Abid Saqar al-Kubaysi
[DOB 1944; POB Kubaisi, al-Anbar Governorate, Iraq; Ba'th party regional command chairman, Maysan; nationality Iraqi; a.k.a. Saqr al-Kabisi abd Aqala]

Ghazi Hammud al-Ubaidi
[DOB 1944; POB Baghdad, Iraq; Ba'th party regional command chairman, Wasit; nationality Iraqi]

Adil Abdallah Mahdi
[DOB 1945; POB al-Dur, Iraq; Ba'th party regional command chairman, Dhi-Qar; nationality Iraqi]

Hussein al-Awadi
[Ba'th party regional command chairman, Ninawa; nationality Iraqi]

Khamis Sirhan al-Muhammad
[Ba'th party regional command chairman, Karbala; nationality Iraqi; a.k.a. Dr. Khamis]

Sa'd abd-al-Majid al-Faysal al-Tikriti
[DOB 1944; POB Tikrit, Iraq; Ba'th party regional command chairman, Salah al-Din; nationality Iraqi]

Note: The bracketed identifying information with respect to each person listed in this Annex reflects information recently available and is provided solely to facilitate compliance with this order. Each person listed in this Annex remains subject to the prohibitions of this order notwithstanding any change in title, position, or affiliation, unless and until such person is subject to a determination pursuant to section 8 of this order.

[FR Doc. 03–22543

Filed 9–2–03; 8:45 am]

Billing code 4810–25–C

Executive Order 13316

Continuance of Certain Federal Advisory Committees

Signed: September 17, 2003

Federal Register page and date: 68 FR 55255, September 23, 2003

Amends: EO 12131, May 4, 1979

Revokes: EO 12975, October 3, 1995; EO 13147, March 7, 2000; EO 13210, May 2, 2001; EO 13214, May 28, 2001; EO 13227, October 2, 2001; EO 13263, April 29, 2002; EO 13278, December 11, 2002

Revokes in part: EO 13111, January 12, 1999; EO 13177, December 4, 2000

Continues: EO 11145, March 7, 1964; EO 11183, October 3, 1964; EO 11287, June 28, 1966; EO 12196, February 26, 1980; EO 12216, June 18, 1980; EO 12367, June 15, 1982; EO 12382, September 13, 1982; EO 12905, March 25, 1994; EO 13231, October 16, 2001; EO 13237, November 28, 2001; EO 13256, February 12, 2002; EO 13265, June 6, 2002; EO 13270, July 3, 2002

See: EO 13018. September 16, 1996; EO 13046, May 16, 1997; EO 13137, September 15, 1999; EO 13167, September 15, 2000; EO 13188, January 12, 2001; EO 13218, June 20, 2001; EO 13255, February 6, 2002

Supersedes: EO 13225, September 28, 2001

Presidential Documents

Executive Order 13316 of September 17, 2003

Continuance of Certain Federal Advisory Committees

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. Each advisory committee listed below is continued until September 30, 2005.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).

(b) National Infrastructure Advisory Council; Section 3 of Executive Order 13231, as amended (Department of Homeland Security).

(c) Federal Advisory Council on Occupational Safety and Health; Executive Order 12196, as amended (Department of Labor).

(d) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 13256 (Department of Education).

(e) President's Board of Advisors on Tribal Colleges and Universities; Executive Order 13270 (Department of Education).

(f) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).

(g) President's Committee on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).

(h) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).

(i) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation).

(j) President's Council on Bioethics; Executive Order 13237 (Department of Health and Human Services).

(k) President's Council on Physical Fitness and Sports; Executive Order 13265 (Department of Health and Human Services).

(l) President's Export Council; Executive Order 12131, as amended (Department of Commerce).

(m) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Homeland Security).

(n) Trade and Environment Policy Advisory Committee; Executive Order 12905 (Office of the United States Trade Representative).

Sec. 2. Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order shall be performed by the head of the department or agency designated after each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

Sec. 3. The following Executive Orders, or sections thereof, which established committees that have terminated or whose work is completed, are revoked:

(a) Sections 5 through 7 of Executive Order 13111, as amended by Executive Order 13188 and Section 3(a) of Executive Order 13218, pertaining to the

establishment of the Advisory Committee on Expanding Training Opportunities;

(b) Executive Order 12975, as amended by Executive Orders 13018, 13046, and 13137, establishing the National Bioethics Advisory Commission;

(c) Executive Order 13227, as amended by Executive Order 13255, establishing the President's Commission on Excellence in Special Education;

(d) Executive Order 13278, establishing the President's Commission on the United States Postal Service;

(e) Executive Order 13210, establishing the President's Commission to Strengthen Social Security;

(f) Sections 5 through 8 of Executive Order 13177, pertaining to the establishment of the President's Council on the Use of Offsets in Commercial Trade;

(g) Executive Order 13263, establishing the President's New Freedom Commission on Mental Health;

(h) Executive Order 13214, establishing the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans; and

(i) Executive Order 13147, as amended by Executive Order 13167, establishing the White House Commission on Complementary and Alternative Medicine Policy.

Sec. 4. Executive Order 13225 is superseded.

Sec. 5. Section 1–102(a) of Executive Order 12131, as amended, is further amended to read as follows:

''(a) The heads of the following executive agencies or their representatives:

(1) Department of State.

(2) Department of the Treasury.

(3) Department of Agriculture.

(4) Department of Commerce.

(5) Department of Labor.

(6) Department of Energy.

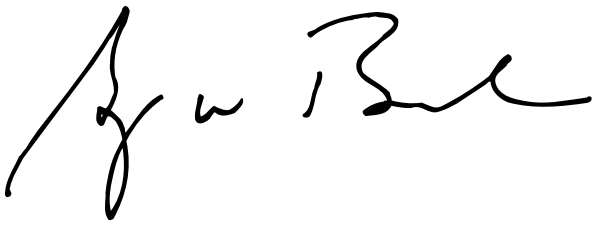
(7) Department of Homeland Security.

(8) Office of the United States Trade Representative.

(9) Export-Import Bank of the United States.

(10) Small Business Administration.''

Sec. 6. This order shall be effective September 30, 2003.



THE WHITE HOUSE,
September 17, 2003.

[FR Doc. 03–24217
Filed 9–22–03; 11:38 am]
Billing code 3195–01–P

Executive Order 13317
Volunteers for Prosperity

Signed: September 25, 2003
Federal Register page and date: 68 FR 56515, September 25, 2003

Presidential Documents

Executive Order 13317 of September 25, 2003

Volunteers for Prosperity

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to encourage volunteer service by highly skilled Americans to support major initiatives by the United States for promoting health and prosperity around the world, it is hereby ordered as follows:

Section 1. (a) *Policy.* A part of USA Freedom Corps, ''Volunteers for Prosperity'' is a call to service to support major U.S. initiatives that promote health and prosperity around the world. Deploying highly skilled volunteers abroad is an efficient way to use our resources consistent with the objectives of the United States Government's global prosperity agenda. United States volunteers will help to achieve the objectives of the global prosperity agenda, including providing clean water to the poor, promoting democratic governance, developing economic freedom, promoting free and open markets, and stemming the spread of HIV/AIDS.

The investment of Federal resources to enable U.S. volunteers to work with nongovernmental and voluntary service organizations overseas is a preferred use of our resources and also will help leverage private sector resources. United States citizens who are skilled professionals and who volunteer, when matched with organizations working on specific U.S. prosperity initiatives overseas, can provide invaluable support for these initiatives and will supplement and complement the traditions and accomplishments of the Peace Corps.

United States prosperity initiatives that can benefit from volunteer service include, but are not limited to, the Emergency Plan for AIDS Relief, the Digital Freedom Initiative, the Water for the Poor Initiative, the Trade for African Development and Enterprise Initiative, and the Middle East Partnership Initiative.

Volunteer service in support of other initiatives, consistent with U.S. foreign policy, shall be considered as well.

(b) *Applicability.* The following agencies are subject to the requirements of this order: the United States Agency for International Development (USAID), the Department of State, the Department of Commerce, the Department of Health and Human Services, and such other Federal agencies as the President may designate in the future.

Sec. 2. *Establishment.* (a) Agencies subject to this order shall each establish within their respective organizations an Office for Volunteers for Prosperity (Office) or, as appropriate, an operating unit within an office.

(b) Each agency subject to this order shall provide its Office or unit with appropriate staff, administrative support, and resources to meet its responsibilities under this order.

(c) Each of these Offices or units shall begin operations no later than 30 days from the date of this order.

(d) Agencies subject to this order shall consider, in evaluating grant applications for assistance activities to be implemented abroad, the applicant's use of highly skilled U.S. volunteers to support U.S. prosperity objectives and initiatives.

Sec. 3. *Purpose.* To the extent permitted by law, the purpose of the Offices will be to promote, expand, and enhance well-defined volunteer service

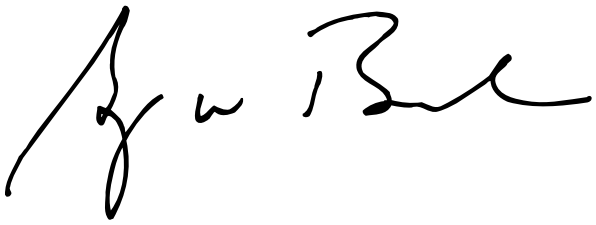
opportunities for highly skilled U.S. professionals who wish to work with nongovernmental and voluntary service organizations around the world in support of major U.S. prosperity initiatives as identified in section 1 of this order. Such promotion, expansion, and enhancement would include actively participating in the design and selection processes for grants within their agencies, tracking the use of U.S. private volunteer organizations by their agencies, and coordinating with White House Offices including the USA Freedom Corps, the Office of National AIDS Policy, and the Office of Faith-Based and Community Initiatives, as appropriate.

Sec. 4. *Funding.* Agencies subject to this order are hereby directed to use their best efforts to use funds available for the U.S. prosperity initiatives listed in section 1 of this order to provide appropriate support to organizations that use highly skilled U.S. volunteers to accomplish the objectives identified in those initiatives.

Sec. 5. *Coordination.* The USAID shall serve as the inter-agency coordinator for the Volunteers for Prosperity initiative. In that capacity, the USAID shall coordinate the activities that fall within the scope of the initiative and report on the progress of the initiative to the USA Freedom Corps Office, within the White House Office. The reports shall be submitted within 180 days after the date of this order and annually thereafter. The USA Freedom Corps Council shall encourage consistency in policies and practices within the agencies subject to this order, as appropriate, for purposes related to the Volunteers for Prosperity initiative.

Sec. 6. *Administration.* The actions directed by this order shall be carried out subject to the availability of appropriations, to the extent permitted by law, and consistent with the agencies' missions.

Sec. 7. *Judicial Review.* This order is intended only to improve the internal management of the executive branch of the Federal Government, and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,
September 25, 2003.

[FR Doc. 03–24919
Filed 9–29–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13318
Presidential Management Fellows Program

Signed: November 21, 2003
Federal Register page and date: 68 FR 66317, November 25, 2003
Supersedes: EO 12364, May 24, 1982

Presidential Documents

Executive Order 13318 of November 21, 2003

Presidential Management Fellows Program

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, and in order to provide for the recruitment and selection of outstanding employees for service in public sector management, it is hereby ordered as follows:

Section 1. There is hereby constituted the Presidential Management Fellows Program. The purpose of the Program is to attract to the Federal service outstanding men and women from a variety of academic disciplines and career paths who have a clear interest in, and commitment to, excellence in the leadership and management of public policies and programs. Individuals selected for the Program shall be known as Presidential Management Fellows (PMFs) or Senior Presidential Management Fellows (Senior PMFs).

Sec. 2. (a) Individuals eligible for appointment as a PMF under this order are those who, in pursuing a course of study at the graduate level, have demonstrated both exceptional ability and the commitment to which section 1 refers. Such individuals at the time of application must have received, or must expect to receive soon thereafter, an appropriate advanced degree as defined by the Director of the Office of Personnel Management (OPM).

(b) Individuals eligible for appointment as a Senior PMF under this order are those who have, through extensive work experience, demonstrated both exceptional leadership or analytical ability and the commitment to which section 1 refers.

Sec. 3. The Director of OPM shall prescribe appropriate merit-based rules for the recruitment, nomination, assessment, selection, appointment, placement, and continuing career development of fellows, including rules that:

(a) reserve to the head of a department or agency or component within the Executive Office of the President (EOP) the authority to appoint a fellow who is to be employed in that department, agency, or component;

(b) provide for nomination by universities and colleges, through competitive selection processes, of eligible individuals for consideration for appointment as PMFs;

(c) carry out the policy of the United States to ensure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin; and

(d) ensure the application of appropriate veterans' preference criteria.

Sec. 4. (a) Fellows shall be appointed to positions in either:

(1) Schedule A of the excepted service; or

(2) an agency or component within the EOP excepted from the competitive service.

(b) Appointments under subsection (a) shall not exceed 2 years in duration unless extended by the head of the department or agency or component within the EOP, with the concurrence of the Director of OPM, for a period not to exceed 1 additional year.

(c) The following principles and policies shall govern service and tenure by fellows:

(1) responsibilities assigned to a PMF shall be consistent with the PMF's educational background and career interests, and the purposes of the Program;

and responsibilities assigned to a Senior PMF shall be consistent with the Senior PMF's experience and career interests, and the purposes of the Program;

(2) continuation of a fellow's appointment shall be contingent upon satisfactory performance by the fellow throughout the fellowship appointment;

(3) except as provided in paragraph (4) of this subsection, service as a fellow shall confer no right to further Federal employment in either the competitive or excepted service upon the expiration of the fellow's appointment; and

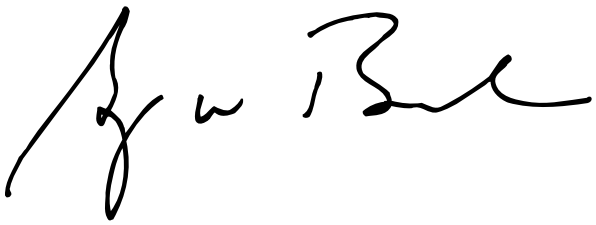
(4) competitive civil service status may be granted to a fellow who satisfactorily completes the Program and meets such other requirements as the Director of OPM may prescribe. A fellow appointed by an agency excepted from the competitive service may also be appointed to a permanent position in an excepted service agency without further competition.

Sec. 5. The Director of OPM shall provide for an orderly transition, including with respect to nominations, selection processes, and appointments, from the Presidential Management Intern Program established by Executive Order 12364 of May 24, 1982, to the Presidential Management Fellows Program established by this order. Until that transition is provided for, individuals who were selected or appointed under the provisions of Executive Order 12364 and who have not completed their scheduled periods of excepted service are hereby redesignated as Presidential Management Fellows, and continue their internships under the terms of Executive Order 12364.

Sec. 6. The Director of OPM shall prescribe such regulations as may be necessary to carry out the purposes of this order.

Sec. 7. Executive Order 12364 is superseded, except as provided in section 5 of this order.

Sec. 8. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.



THE WHITE HOUSE,
November 21, 2003.

[FR Doc. 03–29644
Filed 11–24–03; 10:46 am]
Billing code 3195–01–P

Executive Order 13319

Amendment to Executive Order 13183, Establishment of the President's Task Force on Puerto Rico's Status

Signed: November 3, 2003

Federal Register page and date: 68 FR 68233, December 3, 2003

Amends: EO 13183, December 23, 2000

Federal Register
Vol. 68, No. 235
Monday, December 8, 2003

Presidential Documents

Title 3—

The President

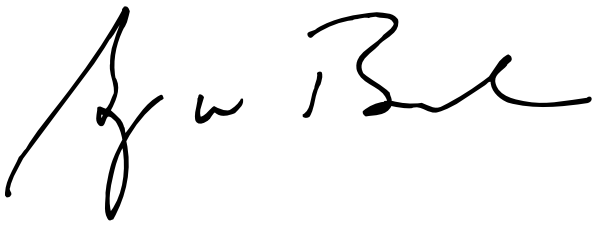
Executive Order 13319 of December 3, 2003

Amendment to Executive Order 13183, Establishment of the President's Task Force on Puerto Rico's Status

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that Executive Order 13183 of December 23, 2000, as amended, is further amended as follows:

(1) Section 2 is amended by deleting the second and third sentences, and inserting in lieu thereof the following: ''It shall be composed of designees of each member of the President's Cabinet and the Deputy Assistant to the President and Director for Intergovernmental Affairs. The Task Force shall be co-chaired by the Attorney General's designee and the Deputy Assistant to the President and Director for Intergovernmental Affairs.''

(2) By deleting section 4, and inserting in lieu thereof the following: ''**Sec. 4.** *Report.* The Task Force shall report on its actions to the President as needed, but no less frequently than once every 2 years, on progress made in the determination of Puerto Rico's ultimate status.''



THE WHITE HOUSE,
December 3, 2003.

[FR Doc. 03–30513
Filed 12–5–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13320

Closing of Executive Departments and Agencies of the Federal Government on Friday, December 26, 2003

Signed: December 9, 2003

Federal Register page and date: 68 FR 69295, December 9, 2003

See: EO 11582, February 11, 1971

Federal Register
Vol. 68, No. 239
Friday, December 12, 2003

Presidential Documents

Title 3—

The President

Executive Order 13320 of December 9, 2003

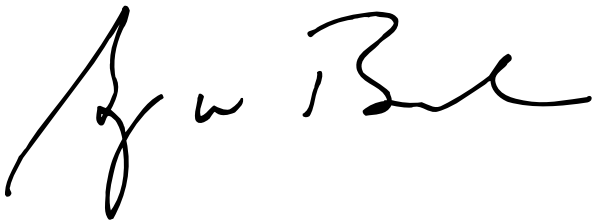
Closing of Executive Departments and Agencies of the Federal Government on Friday, December 26, 2003

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. All executive branch departments and agencies of the Federal Government shall be closed and their employees excused from duty on Friday, December 26, 2003, the day after Christmas Day, except as provided in section 2 below.

Sec. 2. The heads of executive branch departments and agencies may determine that certain offices and installations of their organizations, or parts thereof, must remain open and that certain employees must report for duty on December 26, 2003, for reasons of national security or defense or other public need.

Sec. 3. Friday, December 26, 2003, shall be considered as falling within the scope of Executive Order 11582 of February 11, 1971, and of 5 U.S.C. 5546 and 6103(b) and other similar statutes insofar as they relate to the pay and leave of employees of the United States.



THE WHITE HOUSE,
December 9, 2003.

[FR Doc. 03–30913
Filed 12–11–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13321
Appointments During National Emergency

Signed: December 17, 2003
Federal Register page and date: 68 FR 74465, December 17, 2003
See: EO 12396, December 9, 1982

Presidential Documents

Executive Order 13321 of December 17, 2003

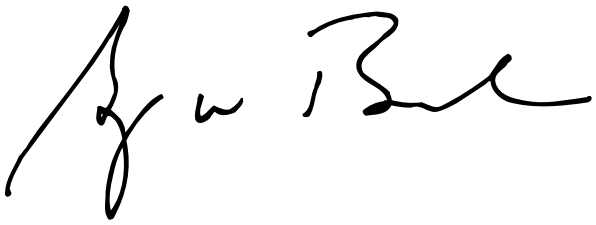
Appointments During National Emergency

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, and in order to further respond to the national emergency I declared in Proclamation 7463 of September 14, 2001, I hereby order as follows:

Section 1. *Emergency Appointments Authority.* The emergency appointments authority at section 603 of title 10, United States Code, is invoked and made available to the Secretary of Defense in accordance with the terms of that statute and of Executive Order 12396 of December 9, 1982.

Sec. 2. *Judicial Review.* This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any person.

Sec. 3. *Administration.* This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
December 17, 2003.

[FR Doc. 03–31594
Filed 12–22–03; 8:45 am]
Billing code 3195–01–P

Executive Order 13322
Adjustments of Certain Rates of Pay

Signed: December 30, 2003
Federal Register page and date: 69 FR 231, January 2, 2004
Supersedes: EO 13282, December 31, 2002
See: EO 13291, March 21, 2003
Superseded by: EO 13332, March 3, 2004

Presidential Documents

Executive Order 13322 of December 30, 2003

Adjustments of Certain Rates of Pay

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the laws cited herein, it is hereby ordered as follows:

Section 1. *Statutory Pay Systems.* The rates of basic pay or salaries of the statutory pay systems (as defined in 5 U.S.C. 5302(1)), as adjusted under 5 U.S.C. 5303(b), are set forth on the schedules attached hereto and made a part hereof:

(a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1;

(b) The Foreign Service Schedule (22 U.S.C. 3963) at Schedule 2; and

(c) The schedules for the Veterans Health Administration of the Department of Veterans Affairs (38 U.S.C. 7306, 7404; section 301(a) of Public Law 102–40) at Schedule 3.

Sec. 2. *Senior Executive Service.* The ranges of rates of basic pay for senior executives in the Senior Executive Service, as established pursuant to 5 U.S.C. 5382, as amended by section 1125 of Public Law 108–136, are set forth on Schedule 4 attached hereto and made a part hereof.

Sec. 3. *Executive and Certain Other Salaries.* The rates of basic pay or salaries for the following offices and positions are set forth on the schedules attached hereto and made a part hereof:

(a) The Executive Schedule (5 U.S.C. 5311–5318) at Schedule 5;

(b) The Vice President (3 U.S.C. 104) and the Congress (2 U.S.C. 31) at Schedule 6; and

(c) Justices and judges (28 U.S.C. 5, 44(d), 135, 252, and 461(a), section 140 of Public Law 97–92, and Public Law 108–167) at Schedule 7.

Sec. 4. *Uniformed Services.* Pursuant to section 601(a)–(b) of Public Law 108–136, the rates of monthly basic pay (37 U.S.C. 203) for members of the uniformed services, as adjusted under 37 U.S.C. 1009, and the rate of monthly cadet or midshipman pay are set forth on Schedule 8 attached hereto and made a part hereof.

Sec. 5. *Locality-Based Comparability Payments.*

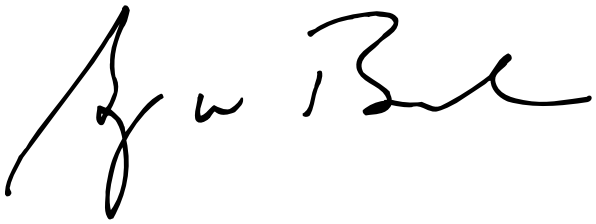
(a) Pursuant to sections 5304 and 5304a of title 5, United States Code, locality-based comparability payments shall be paid in accordance with Schedule 9 attached hereto and made a part hereof.

(b) The Director of the Office of Personnel Management shall take such actions as may be necessary to implement these payments and to publish appropriate notice of such payments in the **Federal Register**.

Sec. 6. *Administrative Law Judges.* The rates of basic pay for administrative law judges, as adjusted under 5 U.S.C. 5372(b)(4), are set forth on Schedule 10 attached hereto and made a part hereof.

Sec. 7. *Effective Dates.* Schedule 8 is effective on January 1, 2004. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2004.

Sec. 8. *Prior Order Superseded.* Executive Order 13282 of December 31, 2002, as amended by Executive Order 13291 of March 21, 2003, is superseded.



THE WHITE HOUSE,
December 30, 2003.

Billing code 3195–01–P

SCHEDULE 1--GENERAL SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

	1	2	3	4	5	6	7	8	9	10
GS-1	$15,442	$15,958	$16,471	$16,982	$17,497	$17,799	$18,305	$18,816	$18,837	$19,314
GS-2	17,363	17,775	18,350	18,837	19,047	19,607	20,167	20,727	21,287	21,847
GS-3	18,944	19,575	20,206	20,837	21,468	22,099	22,730	23,361	23,992	24,623
GS-4	21,266	21,975	22,684	23,393	24,102	24,811	25,520	26,229	26,938	27,647
GS-5	23,794	24,587	25,380	26,173	26,966	27,759	28,552	29,345	30,138	30,931
GS-6	26,522	27,406	28,290	29,174	30,058	30,942	31,826	32,710	33,594	34,478
GS-7	29,473	30,455	31,437	32,419	33,401	34,383	35,365	36,347	37,329	38,311
GS-8	32,640	33,728	34,816	35,904	36,992	38,080	39,168	40,256	41,344	42,432
GS-9	36,052	37,254	38,456	39,658	40,860	42,062	43,264	44,466	45,668	46,870
GS-10	39,702	41,025	42,348	43,671	44,994	46,317	47,640	48,963	50,286	51,609
GS-11	43,621	45,075	46,529	47,983	49,437	50,891	52,345	53,799	55,253	56,707
GS-12	52,281	54,024	55,767	57,510	59,253	60,996	62,739	64,482	66,225	67,968
GS-13	62,170	64,242	66,314	68,386	70,458	72,530	74,602	76,674	78,746	80,818
GS-14	73,467	75,916	78,365	80,814	83,263	85,712	88,161	90,610	93,059	95,508
GS-15	86,417	89,298	92,179	95,060	97,941	100,822	103,703	106,584	109,465	112,346

SCHEDULE 2--FOREIGN SERVICE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Step	class 1	class 2	class 3	class 4	class 5	class 6	class 7	class 8	class 9
1	$86,417	$70,023	$56,740	$45,976	$37,254	$33,304	$29,773	$26,616	$23,794
2	89,010	72,124	58,442	47,355	38,372	34,303	30,666	27,414	24,508
3	91,680	74,287	60,195	48,776	39,523	35,332	31,586	28,237	25,243
4	94,430	76,516	62,001	50,239	40,708	36,392	32,534	29,084	26,000
5	97,263	78,812	63,861	51,746	41,930	37,484	33,510	29,957	26,780
6	100,181	81,176	65,777	53,299	43,188	38,608	34,515	30,855	27,584
7	103,186	83,611	67,751	54,898	44,483	39,767	35,551	31,781	28,411
8	106,282	86,119	69,783	56,545	45,818	40,960	36,617	32,734	29,264
9	109,470	88,703	71,877	58,241	47,192	42,189	37,716	33,716	30,142
10	112,346	91,364	74,033	59,988	48,608	43,454	38,847	34,728	31,046
11	112,346	94,105	76,254	61,788	50,066	44,758	40,012	35,770	31,977
12	112,346	96,928	78,541	63,642	51,568	46,101	41,213	36,843	32,936
13	112,346	99,836	80,898	65,551	53,115	47,484	42,449	37,948	33,925
14	112,346	102,831	83,325	67,517	54,709	48,908	43,723	39,086	34,942

SCHEDULE 3--VETERANS HEALTH ADMINISTRATION SCHEDULES
DEPARTMENT OF VETERANS AFFAIRS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Schedule for the Office of the Under Secretary for Health
(38 U.S.C. 7306)*

Deputy Under Secretary for Health	$146,760	**
Associate Deputy Under Secretary for Health	140,568	***
Assistant Under Secretaries for Health	136,424	***

	Minimum	Maximum	
Medical Directors	$116,398	$131,922	***
Service Directors	101,351	125,871	
Director, National Center for Preventive Health	86,417	125,871	

Physician and Dentist Schedule

Director Grade	$101,351	$125,871
Executive Grade	93,587	119,274
Chief Grade	86,417	112,346
Senior Grade	73,467	95,508
Intermediate Grade	62,170	80,818
Full Grade	52,281	67,968
Associate Grade	43,621	56,707

Clinical Podiatrist and Optometrist Schedule

Chief Grade	$86,417	$112,346
Senior Grade	73,467	95,508
Intermediate Grade	62,170	80,818
Full Grade	52,281	67,968
Associate Grade	43,621	56,707

Physician Assistant and Expanded-Function Dental Auxiliary Schedule ****

Director Grade	$86,417	$112,346
Assistant Director Grade	73,467	95,508
Chief Grade	62,170	80,818
Senior Grade	52,281	67,968
Intermediate Grade	43,621	56,707
Full Grade	36,052	46,870
Associate Grade	31,023	40,329
Junior Grade	26,522	34,478

* This schedule does not apply to the Assistant Under Secretary for Nursing Programs or the Director of Nursing Services. Pay for these positions is set by the Under Secretary for Health under 38 U.S.C. 7451.

** Pursuant to section 7404(d)(1) of title 38, United States Code, the rate of basic pay payable to this employee is limited to the rate for level IV of the Executive Schedule, which is $136,000.

*** Pursuant to section 7404(d)(2) of title 38, United States Code, the rate of basic pay payable to these employees is limited to the rate for level V of the Executive Schedule, which is $127,300.

**** Pursuant to section 301(a) of Public Law 102-40, these positions are paid according to the Nurse Schedule in 38 U.S.C. 4107(b) as in effect on August 14, 1990, with subsequent adjustments.

SCHEDULE 4--SENIOR EXECUTIVE SERVICE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

	Minimum	Maximum
Agencies with a Certified SES Performance Appraisal System	$103,700	$157,000
Agencies without a Certified SES Performance Appraisal System	$103,700	$144,600

SCHEDULE 5--EXECUTIVE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Level I	$174,500
Level II	157,000
Level III	144,600
Level IV	136,000
Level V	127,300

SCHEDULE 6--VICE PRESIDENT AND MEMBERS OF CONGRESS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Vice President	$201,600
Senators	157,000
Members of the House of Representatives	157,000
Delegates to the House of Representatives	157,000
Resident Commissioner from Puerto Rico	157,000
President pro tempore of the Senate	174,500
Majority leader and minority leader of the Senate	174,500
Majority leader and minority leader of the House of Representatives	174,500
Speaker of the House of Representatives	201,600

SCHEDULE 7--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004

Chief Justice of the United States	$201,600
Associate Justices of the Supreme Court	193,000
Circuit Judges	166,500
District Judges	157,000
Judges of the Court of International Trade	157,000

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES
(Effective on January 1, 2004)

Part I-MONTHLY BASIC PAY

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
COMMISSIONED OFFICERS															
O-10 **	-	-	-	-	-	-	-	-	-	-	-	$12,524.70*	$12,586.20*	$12,847.80*	$13,303.80*
O-9	-	-	-	-	-	-	-	-	-	-	-	10,954.50	11,112.30	11,340.30	11,738.40
O-8	$7,751.10	$8,004.90	$8,173.20	$8,220.60	$8,430.30	$8,781.90	$8,863.50	$9,197.10	$9,292.80	$9,579.90	$9,995.70	10,379.10	10,635.30	10,635.30	10,635.30
O-7	6,440.70	6,739.80	6,878.40	6,988.50	7,187.40	7,384.20	7,611.90	7,839.00	8,066.70	8,781.90	9,386.10	9,386.10	9,386.10	9,386.10	9,433.50
O-6	4,773.60	5,244.30	5,588.40	5,588.40	5,609.70	5,850.00	5,882.10	5,882.10	6,216.30	6,807.30	7,154.10	7,500.90	7,698.30	7,897.80	8,285.40
O-5	3,979.50	4,482.90	4,793.40	4,851.60	5,044.80	5,161.20	5,415.90	5,602.80	5,844.00	6,213.60	6,389.70	6,563.40	6,760.80	6,760.80	6,760.80
O-4	3,433.50	3,974.70	4,239.90	4,299.00	4,545.30	4,809.30	5,137.80	5,394.00	5,571.60	5,673.60	5,733.00	5,733.00	5,733.00	5,733.00	5,733.00
O-3 ***	3,018.90	3,422.40	3,693.90	4,027.20	4,220.10	4,431.60	4,568.70	4,794.30	4,911.30	4,911.30	4,911.30	4,911.30	4,911.30	4,911.30	4,911.30
O-2 ***	2,608.20	2,970.60	3,421.50	3,537.00	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90
O-1 ***	2,264.40	2,356.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50
COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER AND/OR WARRANT OFFICER**															
O-3E	-	-	-	$4,027.20	$4,220.10	$4,431.60	$4,568.70	$4,794.30	$4,984.20	$5,092.80	$5,241.30	$5,241.30	$5,241.30	$5,241.30	$5,241.30
O-2E	-	-	-	3,537.00	3,609.90	3,724.80	3,918.60	4,068.60	4,180.20	4,180.20	4,180.20	4,180.20	4,180.20	4,180.20	4,180.20
O-1E	-	-	-	2,848.50	3,042.30	3,154.50	3,269.40	3,382.20	3,537.00	3,537.00	3,537.00	3,537.00	3,537.00	3,537.00	3,537.00

* Basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule.

** For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code), basic pay for this grade is calculated to be $14,634.20 per month, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule.

*** Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**** Reservists with at least 1,460 points as an enlisted member and/or warrant officer which are creditable toward reserve retirement also quality for these rates.

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 2)

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
WARRANT OFFICERS															
W-5	-	-	-	-	-	-	-	-	-	-	-	$5,360.70	$5,544.30	$5,728.80	$5,914.20
W-4	$3,119.40	$3,355.80	$3,452.40	$3,547.20	$3,710.40	$3,871.50	$4,035.00	$4,194.30	$4,359.00	$4,617.30	$4,782.60	4,944.30	5,112.00	5,277.00	5,445.90
W-3	2,848.80	2,967.90	3,089.40	3,129.30	3,257.10	3,403.20	3,595.80	3,786.30	3,988.80	4,140.60	4,291.80	4,356.90	4,424.10	4,570.20	4,716.30
W-2	2,505.90	2,649.00	2,774.10	2,865.30	2,943.30	3,157.80	3,321.60	3,443.40	3,562.20	3,643.80	3,712.50	3,843.00	3,972.60	4,103.70	4,103.70
W-1	2,212.80	2,394.00	2,515.20	2,593.50	2,802.30	2,928.30	3,039.90	3,164.70	3,247.20	3,321.90	3,443.70	3,535.80	3,535.80	3,535.80	3,535.80
ENLISTED MEMBERS															
E-9 *	-	-	-	-	-	-	$3,769.20	$3,854.70	$3,962.40	$4,089.30	$4,216.50	$4,421.10	$4,594.20	$4,776.60	$5,054.70
E-8	-	-	-	-	-	$3,085.50	3,222.00	3,306.30	3,407.70	3,517.50	3,715.50	3,815.70	3,986.40	4,081.20	4,314.30
E-7	$2,145.00	$2,341.20	$2,430.60	$2,549.70	$2,642.10	2,801.40	2,891.10	2,980.20	3,139.80	3,219.60	3,295.50	3,341.70	3,498.00	3,599.10	3,855.00
E-6	1,855.50	2,041.20	2,131.20	2,218.80	2,310.00	2,516.10	2,596.20	2,685.30	2,763.30	2,790.90	2,809.80	2,809.80	2,809.80	2,809.80	2,809.80
E-5	1,700.10	1,813.50	1,901.10	1,991.10	2,130.60	2,250.90	2,339.70	2,367.90	2,367.90	2,367.90	2,367.90	2,367.90	2,367.90	2,367.90	2,367.90
E-4	1,558.20	1,638.30	1,726.80	1,814.10	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50
E-3	1,407.00	1,495.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50
E-2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E-1 **	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40
E-1 ***	1,104.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-

* For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $6,090.90 per month, regardless of cumulative years of service under section 205 of title 37, United States Code.

** Applies to personnel who have served 4 months or more on active duty.

*** Applies to personnel who have served less than 4 months on active duty.

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 3)

Part II-RATE OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by section 203(c) of title 37, United States Code, is $792.60.

Note: As a result of the enactment of sections 602-694 of Public Law 105-85, the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Defense now has the authority to adjust the rates of basic allowances for subsistence and housing. Therefore, these allowances are no longer adjusted by the President in conjunction with the adjustment of basic pay for members of the uniformed services. Accordingly, the tables of allowances included in previous orders are not included here.

SCHEDULE 9--LOCALITY-BASED COMPARABILITY PAYMENTS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Locality Pay Area[1]	Rate
Atlanta, GA	11.50%
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI	15.73%
Chicago-Gary-Kenosha, IL-IN-WI	16.92%
Cincinnati-Hamilton, OH-KY-IN	14.04%
Cleveland-Akron, OH	12.10%
Columbus, OH	12.28%
Dallas-Fort Worth, TX	12.74%
Dayton-Springfield, OH	11.17%
Denver-Boulder-Greeley, CO	15.46%
Detroit-Ann Arbor-Flint, MI	17.02%
Hartford, CT	16.41%
Houston-Galveston-Brazoria, TX	21.49%
Huntsville, AL	10.58%
Indianapolis, IN	10.30%
Kansas City, MO-KS	10.73%
Los Angeles-Riverside-Orange County, CA	18.57%
Miami-Fort Lauderdale, FL	14.45%
Milwaukee-Racine, WI	11.73%
Minneapolis-St. Paul, MN-WI	13.54%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA	17.73%
Orlando, FL	10.12%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD	14.12%
Pittsburgh, PA	11.03%
Portland-Salem, OR-WA	13.60%
Richmond-Petersburg, VA	11.25%
Sacramento-Yolo, CA	13.98%
St. Louis, MO-IL	10.46%
San Diego, CA	14.84%
San Francisco-Oakland-San Jose, CA	22.23%
Seattle-Tacoma-Bremerton, WA	13.85%
Washington-Baltimore, DC-MD-VA-WV	13.43%
Rest of U.S.	10.09%

SCHEDULE 10-ADMINISTRATIVE LAW JUDGES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

AL-3/A	$90,500
AL-3/B	97,400
AL-3/C	104,400
AL-3/D	111,400
AL-3/E	118,300
AL-3/F	125,300
AL-2	132,400
AL-1	136,000

[1]Locality Pay Areas are defined in 5 CFR 531.603.

[FR Doc. 03–32328

Filed 12–31–03; 11:22 am]

Billing code 6325–01–C

Executive Order 13323
Assignment of Functions Relating to Arrivals in and Departures From the United States

Signed: December 30, 2003
Federal Register page and date: 69 FR 241, January 2, 2004

Presidential Documents

Executive Order 13323 of December 30, 2003

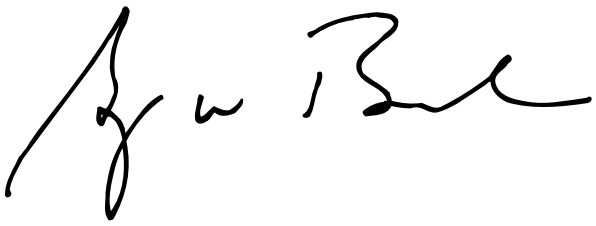
Assignment of Functions Relating to Arrivals in and Departures From the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 215 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1185), and section 301 of title 3, United States Code, and to strengthen the national security of the United States through procedures and systems to manage and control the arrival and departure of persons from the United States, it is hereby ordered as follows:

Section 1. *Functions of the Secretary of Homeland Security.* The Secretary of Homeland Security is assigned the functions of the President under section 215(a) of the INA with respect to persons other than citizens of the United States. In exercising these functions, the Secretary of Homeland Security shall not issue, amend, or revoke any rules, regulations, or orders without first obtaining the concurrence of the Secretary of State.

Sec. 2. *Functions of the Secretary of State.* The Secretary of State is assigned the functions of the President under section 215(a) and (b) of the INA with respect to citizens of the United States, including those functions concerning United States passports. In addition, the Secretary may amend or revoke part 46 of title 22, Code of Federal Regulations, which concern persons other than citizens of the United States. In exercising these functions, the Secretary of State shall not issue, amend, or revoke any rules, regulations, or orders without first consulting with the Secretary of Homeland Security.

Sec. 3. *Judicial Review.* This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.



THE WHITE HOUSE,
December 30, 2003.

[FR Doc. 03–32332
Filed 12–31–03; 11:22 am]
Billing code 3195–01–P

Executive Order 13324
Termination of National Emergency With Respect to Sierra Leone and Liberia

Signed: January 15, 2004
Federal Register page and date: 69 FR 2823, January 20, 2004
Revokes: EO 13194, January 8, 2001; EO 13213, May 2, 2001

Presidential Documents

Executive Order 13324 of January 15, 2004

Termination of Emergency With Respect to Sierra Leone and Liberia

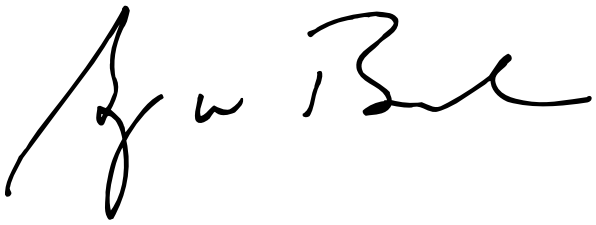
By the authority vested in me as President by the Constitution and the laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), and section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c),

I, GEORGE W. BUSH, President of the United States of America, find that the situations that gave rise to the declaration of a national emergency in Executive Order 13194 of January 18, 2001, with respect to Sierra Leone and the expansion of the scope of that emergency in Executive Order 13213 of May 22, 2001, with respect to Liberia, have been significantly altered given that in January 2002 the Government of Sierra Leone, the Sierra Leonean rebel group Revolutionary United Front (RUF), and the United Nations Mission in Sierra Leone declared the war in Sierra Leone to have ended; the parties to the Liberian civil war entered into a Comprehensive Peace Agreement in August 2003; the RUF no longer exists as a military organization; Charles Taylor, who was the prime instigator of violence both in Sierra Leone and in Liberia, has resigned from the Liberian presidency and gone into exile; the Government of Sierra Leone has established a rough diamond certification regime that meets the minimum standards of the Kimberley Process Certification Scheme; and the United States has implemented the Clean Diamond Trade Act (Public Law 108-19), prohibiting the importation into the United States of rough diamonds that are not controlled through the Kimberley Process Certification Scheme, currently including rough diamonds from Liberia. Accordingly, I hereby terminate the national emergency declared and expanded in scope in those two prior orders, revoke those orders, and further order:

Section 1. Pursuant to section 202 of the NEA (50 U.S.C. 1622), termination of the national emergency declared in Executive Order 13194 and expanded in scope in Executive Order 13213 shall not affect any action taken or proceeding pending not finally concluded or determined as of the effective date of this order, or any action or proceeding based on any act committed prior to such date, or any rights or duties that matured or penalties that were incurred prior to such date.

Sec. 2. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

Sec. 3. This order is effective at 12:01 a.m. eastern standard time on January 16, 2004. This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
January 15, 2004.

[FR Doc. 04–1322
Filed 1–16–04; 11:38 am]
Billing code 3195–01–P

Executive Order 13325
Amendment to Executive Order 12293, the Foreign Service of the United States

Signed: January 23, 2004
Federal Register page and date: 69 FR 4217, January 28, 2004
Amends: EO 12293, February 23, 1981

Federal Register

Wednesday,
January 28, 2004

Part III

The President

Executive Order 13325—Amendment to Executive Order 12293, the Foreign Service of the United States

Federal Register
Vol. 69, No. 18
Wednesday, January 28, 2004

Presidential Documents

Title 3—

The President

Executive Order 13325 of January 23, 2004

Amendment to Executive Order 12293, the Foreign Service of the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Foreign Service Act of 1980, as amended, and in order to adjust the basic salary rates for each class of the Senior Foreign Service in light of the changes made to the manner in which members of the Senior Executive Service will be paid pursuant to the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), it is hereby ordered as follows:

Section 1. Section 4 of Executive Order 12293 of February 23, 1981, as amended, is amended to read as follows:

''**Sec. 4.** (a) In accord with Section 402 of the Act (22 U.S.C. 3962), there are established the following salary classes with titles for the Senior Foreign Service, at the following ranges of basic rates of pay.

(1) Career Minister

Range from 94 percent of the rate payable to level III of the Executive Schedule to 100 percent of the rate payable to level III of the Executive Schedule.

(2) Minister-Counselor

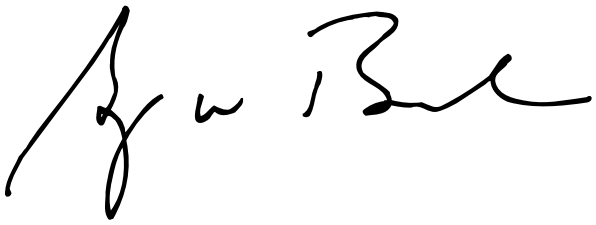
Range from 90 percent of the rate payable to level III of the Executive Schedule to 100 percent of the rate payable to level III of the Executive Schedule.

(3) Counselor

Range from 120 percent of the rate payable to GS–15/Step 1 to 100 percent of rate payable to level III of the Executive Schedule.

(b) Upon conversion to a rate of basic pay within the range of rates established for the applicable salary class by this section as of the first day of the first applicable pay period beginning on or after January 1, 2004, a member of the Senior Foreign Service shall receive the rate of basic pay to which he or she was entitled immediately before that date, including any locality-based comparability payment authorized under 5 U.S.C. 5304(h)(2)(C) that the member was receiving immediately before that date. On the same date, or on a later date specified by the Secretary of State (or the heads of the other agencies that utilize the Foreign Service personnel system (collectively the ''Secretary'')), the Secretary may increase the member's rate of basic pay upon a determination that the member's performance or contribution to the mission of the agency so warrant and that the member is otherwise eligible for such a pay adjustment under Section 402 of the Foreign Service Act.''

Sec. 2. *Effective Date.* The salary rates contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2004.



THE WHITE HOUSE,
January 23, 2004.

[FR Doc. 04–1941
Filed 1–27–04; 8:45 am]
Billing code 3195–01–P

Executive Order 13326
President's Commission on Implementation of United States Space Exploration Policy

Signed: January 27, 2004
Federal Register page and date: 69 FR 5255, February 3, 2004

Federal Register

Tuesday,
February 3, 2004

Part III

The President

Executive Order 13326—President's Commission on Implementation of United States Space Exploration Policy

Federal Register
Vol. 69, No. 22
Tuesday, February 3, 2004

Presidential Documents

Title 3—

The President

Executive Order 13326 of January 27, 2004

President's Commission on Implementation of United States Space Exploration Policy

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to obtain recommendations concerning implementation of the new vision for space exploration activities of the United States, it is hereby ordered as follows:

Section 1. *Establishment.* There is hereby established the President's Commission on Implementation of United States Space Exploration Policy (the ''Commission'').

Sec. 2. *Membership.* (a) The Commission shall be composed of not more than nine members appointed by the President, taking into account as appropriate the experience of such individuals with respect to governmental, scientific, and technical matters relating to space.

(b) The President shall designate one member of the Commission to serve as Chairman of the Commission.

Sec. 3. *Mission.* (a) The mission of the Commission shall be to provide recommendations to the President, in accordance with this order, on implementation of the vision outlined in the President's policy statement entitled ''A Renewed Spirit of Discovery'' and the President's Budget Submission for Fiscal Year 2005 (collectively, ''Policy'').

(b) The Commission shall examine and make recommendations to the President regarding:

(i) A science research agenda to be conducted on the Moon and other destinations as well as human and robotic science activities that advance our capacity to achieve the Policy;

(ii) The exploration of technologies, demonstrations, and strategies, including the use of lunar and other in situ natural resources, that could be used for sustainable human and robotic exploration;

(iii) Criteria that could be used to select future destinations for human exploration;

(iv) Long-term organization options for managing implementation of space exploration activities;

(v) The most appropriate and effective roles for potential private sector and international participants in implementing the Policy;

(vi) Methods for optimizing space exploration activities to encourage the interest of America's youth in studying and pursuing careers in mathematics, science, and engineering; and

(vii) Management of the implementation of the Policy within available resources.

Sec. 4. *Administration.* (a) The National Aeronautics and Space Administration (NASA) shall provide, to the extent permitted by law, administrative support and funding for the Commission. The Commission is established in NASA for administrative purposes only.

(b) Members of the Commission shall serve without compensation for their work on the Commission. Members appointed from among private citizens of the United States, however, while engaged in the work of the Commission, may be allowed travel expenses, including per diem in lieu

of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707), to the extent funds are available.

(c) Insofar as the Federal Advisory Committee Act (5 U.S.C. App. 2) (the ''Act''), as amended, may apply to the Commission, any functions of the President under that Act, except for those in section 6 of that Act, shall be performed by the Administrator of NASA (the ''Administrator''), in accordance with the guidelines that have been issued by the Administrator of General Services.

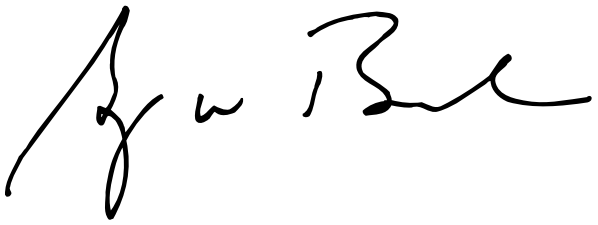
(d) The Commission shall conduct occasional meetings as appropriate, including at various locations throughout the United States, to solicit views and opinions from the public, academia, and industry.

(e) The Commission shall not have access to information classified pursuant to Executive Order 12958 of April 17, 1995, as amended.

Sec. 5. *Report.* The Commission shall submit its final report to the President through the Administrator within 120 days of the first meeting of the Commission.

Sec. 6. *General Provisions.* (a) This order is intended only to improve the internal management of the executive branch and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

(b) The Commission shall terminate within 60 days after submitting its final report.



THE WHITE HOUSE,
January 27, 2004.

[FR Doc. 04–2408
Filed 2–2–04; 11:02 am]
Billing code 3195–01–P

Executive Order 13327
Federal Real Property Asset Management

Signed: February 4, 2004
Federal Register page and date: 69 FR 5897, February 4, 2004
Revokes: EO 12512, April 29, 1985

Federal Register

Friday,
February 6, 2004

Part II

The President

Executive Order 13327—Federal Real Property Asset Management

Federal Register
Vol. 69, No. 25
Friday, February 6, 2004

Presidential Documents

Title 3—

The President

Executive Order 13327 of February 4, 2004

Federal Real Property Asset Management

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 121(a) of title 40, United States Code, and in order to promote the efficient and economical use of Federal real property resources in accordance with their value as national assets and in the best interests of the Nation, it is hereby ordered as follows:

Section 1. *Policy.* It is the policy of the United States to promote the efficient and economical use of America's real property assets and to assure management accountability for implementing Federal real property management reforms. Based on this policy, executive branch departments and agencies shall recognize the importance of real property resources through increased management attention, the establishment of clear goals and objectives, improved policies and levels of accountability, and other appropriate action.

Sec. 2. *Definition and Scope.* (a) For the purpose of this executive order, Federal real property is defined as any real property owned, leased, or otherwise managed by the Federal Government, both within and outside the United States, and improvements on Federal lands. For the purpose of this order, Federal real property shall exclude: interests in real property assets that have been disposed of for public benefit purposes pursuant to section 484 of title 40, United States Code, and are now held in private ownership; land easements or rights-of-way held by the Federal Government; public domain land (including lands withdrawn for military purposes) or land reserved or dedicated for national forest, national park, or national wildlife refuge purposes except for improvements on those lands; land held in trust or restricted fee status for individual Indians or Indian tribes; and land and interests in land that are withheld from the scope of this order by agency heads for reasons of national security, foreign policy, or public safety.

(b) This order shall not be interpreted to supersede any existing authority under law or by executive order for real property asset management, with the exception of the revocation of Executive Order 12512 of April 29, 1985, in section 8 of this order.

Sec. 3. *Establishment and Responsibilities of Agency Senior Real Property Officer.* (a) The heads of all executive branch departments and agencies cited in sections 901(b)(1) and (b)(2) of title 31, United States Code, and the Secretary of Homeland Security, shall designate among their senior management officials, a Senior Real Property Officer. Such officer shall have the education, training, and experience required to administer the necessary functions of the position for the particular agency.

(b) The Senior Real Property Officer shall develop and implement an agency asset management planning process that meets the form, content, and other requirements established by the Federal Real Property Council established in section 4 of this order. The initial agency asset management plan will be submitted to the Office of Management and Budget on a date determined by the Director of the Office of Management and Budget. In developing this plan, the Senior Real Property Officer shall:

(i) identify and categorize all real property owned, leased, or otherwise managed by the agency, including, where applicable, those properties outside the United States in which the lease agreements and arrangements reflect the host country currency or involve alternative lease plans or rental agreements;

(ii) prioritize actions to be taken to improve the operational and financial management of the agency's real property inventory;

(iii) make life-cycle cost estimations associated with the prioritized actions;

(iv) identify legislative authorities that are required to address these priorities;

(v) identify and pursue goals, with appropriate deadlines, consistent with and supportive of the agency's asset management plan and measure progress against such goals;

(vi) incorporate planning and management requirements for historic property under Executive Order 13287 of March 3, 2003, and for environmental management under Executive Order 13148 of April 21, 2000; and

(vii) identify any other information and pursue any other actions necessary to the appropriate development and implementation of the agency asset management plan.

(c) The Senior Real Property Officer shall be responsible, on an ongoing basis, for monitoring the real property assets of the agency so that agency assets are managed in a manner that is:

(i) consistent with, and supportive of, the goals and objectives set forth in the agency's overall strategic plan under section 306 of title 5, United States Code;

(ii) consistent with the real property asset management principles developed by the Federal Real Property Council established in section 4 of this order; and

(iii) reflected in the agency asset management plan.

(d) The Senior Real Property Officer shall, on an annual basis, provide to the Director of the Office of Management and Budget and the Administrator of General Services:

(i) information that lists and describes real property assets under the jurisdiction, custody, or control of that agency, except for classified information; and

(ii) any other relevant information the Director of the Office of Management and Budget or the Administrator of General Services may request for inclusion in the Government-wide listing of all Federal real property assets and leased property.

(e) The designation of the Senior Real Property Officer shall be made by agencies within 30 days after the date of this order.

Sec. 4. *Establishment of a Federal Real Property Council.* (a) A Federal Real Property Council (Council) is established, within the Office of Management and Budget for administrative purposes, to develop guidance for, and facilitate the success of, each agency's asset management plan. The Council shall be composed exclusively of all agency Senior Real Property Officers, the Controller of the Office of Management and Budget, the Administrator of General Services, and any other full-time or permanent part-time Federal officials or employees as deemed necessary by the Chairman of the Council. The Deputy Director for Management of the Office of Management and Budget shall also be a member and shall chair the Council. The Office of Management and Budget shall provide funding and administrative support for the Council, as appropriate.

(b) The Council shall provide a venue for assisting the Senior Real Property Officers in the development and implementation of the agency asset management plans. The Council shall work with the Administrator of General Services to establish appropriate performance measures to determine the effectiveness of Federal real property management. Such performance measures shall include, but are not limited to, evaluating the costs and benefits

involved with acquiring, repairing, maintaining, operating, managing, and disposing of Federal real properties at particular agencies. Specifically, the Council shall consider, as appropriate, the following performance measures:

(i) life-cycle cost estimations associated with the agency's prioritized actions;

(ii) the costs relating to the acquisition of real property assets by purchase, condemnation, exchange, lease, or otherwise;

(iii) the cost and time required to dispose of Federal real property assets and the financial recovery of the Federal investment resulting from the disposal;

(iv) the operating, maintenance, and security costs at Federal properties, including but not limited to the costs of utility services at unoccupied properties;

(v) the environmental costs associated with ownership of property, including the costs of environmental restoration and compliance activities;

(vi) changes in the amounts of vacant Federal space;

(vii) the realization of equity value in Federal real property assets;

(viii) opportunities for cooperative arrangements with the commercial real estate community; and

(ix) the enhancement of Federal agency productivity through an improved working environment. The performance measures shall be designed to enable the heads of executive branch agencies to track progress in the achievement of Government-wide property management objectives, as well as allow for comparing the performance of executive branch agencies against industry and other public sector agencies.

(c) The Council shall serve as a clearinghouse for executive agencies for best practices in evaluating actual progress in the implementation of real property enhancements. The Council shall also work in conjunction with the President's Management Council to assist the efforts of the Senior Real Property Officials and the implementation of agency asset management plans.

(d) The Council shall be organized and hold its first meeting within 60 days of the date of this order. The Council shall hold meetings not less often than once a quarter each fiscal year.

Sec. 5. *Role of the General Services Administration.* (a) The Administrator of General Services shall, to the extent permitted by law and in consultation with the Federal Real Property Council, provide policy oversight and guidance for executive agencies for Federal real property management; manage selected properties for an agency at the request of that agency and with the consent of the Administrator; delegate operational responsibilities to an agency where the Administrator determines it will promote efficiency and economy, and where the receiving agency has demonstrated the ability and willingness to assume such responsibilities; and provide necessary leadership in the development and maintenance of needed property management information systems.

(b) The Administrator of General Services shall publish common performance measures and standards adopted by the Council.

(c) The Administrator of General Services, in consultation with the Federal Real Property Council, shall establish and maintain a single, comprehensive, and descriptive database of all real property under the custody and control of all executive branch agencies, except when otherwise required for reasons of national security. The Administrator shall collect from each executive branch agency such descriptive information, except for classified information, as the Administrator considers will best describe the nature, use, and extent of the real property holdings of the Federal Government.

(d) The Administrator of General Services, in consultation with the Federal Real Property Council, may establish data and other information technology (IT) standards for use by Federal agencies in developing or upgrading Federal

agency real property information systems in order to facilitate reporting on a uniform basis. Those agencies with particular IT standards and systems in place and in use shall be allowed to continue with such use to the extent that they are compatible with the standards issued by the Administrator.

Sec. 6. *General Provisions.* (a) The Director of the Office of Management and Budget shall review, through the management and budget review processes, the efforts of departments and agencies in implementing their asset management plans and achieving the Government-wide property management policies established pursuant to this order.

(b) The Office of Management and Budget and the General Services Administration shall, in consultation with the landholding agencies, develop legislative initiatives that seek to improve Federal real property management through the adoption of appropriate industry management techniques and the establishment of managerial accountability for implementing effective and efficient real property management practices.

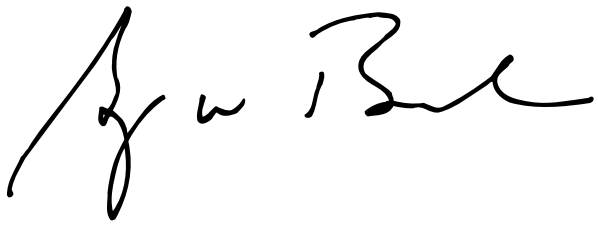
(c) Nothing in this order shall be construed to impair or otherwise affect the authority of the Director of the Office of Management and Budget with respect to budget, administrative, or legislative proposals.

(d) Nothing in this order shall be construed to affect real property for the use of the President, Vice President, or, for protective purposes, the United States Secret Service.

Sec. 7. *Public Lands.* In order to ensure that Federally owned lands, other than the real property covered by this order, are managed in the most effective and economic manner, the Departments of Agriculture and the Interior shall take such steps as are appropriate to improve their management of public lands and National Forest System lands and shall develop appropriate legislative proposals necessary to facilitate that result.

Sec. 8. Executive Order 12512 of April 29, 1985, is hereby revoked.

Sec. 9. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,
February 4, 2004.

[FR Doc. 04–2773
Filed 2–5–04; 9:19 am]
Billing code 3195–01–P

Executive Order 13328

Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction

Signed: February 6, 2004

Federal Register page and date: 69 FR 6901, February 11, 2004

Federal Register

Wednesday,
February 11, 2004

Part VI

The President

Executive Order 13328—Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction

Federal Register
Vol. 69, No. 28
Wednesday, February 11, 2004

Presidential Documents

Title 3—

The President

Executive Order 13328 of February 6, 2004

Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Establishment.* There is established, within the Executive Office of the President for administrative purposes, a Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (Commission).

Sec. 2. *Mission.* (a) The Commission is established for the purpose of advising the President in the discharge of his constitutional authority under Article II of the Constitution to conduct foreign relations, protect national security, and command the Armed Forces of the United States, in order to ensure the most effective counterproliferation capabilities of the United States and response to the September 11, 2001, terrorist attacks and the ongoing threat of terrorist activity. The Commission shall assess whether the Intelligence Community is sufficiently authorized, organized, equipped, trained, and resourced to identify and warn in a timely manner of, and to support United States Government efforts to respond to, the development and transfer of knowledge, expertise, technologies, materials, and resources associated with the proliferation of Weapons of Mass Destruction, related means of delivery, and other related threats of the 21st Century and their employment by foreign powers (including terrorists, terrorist organizations, and private networks, or other entities or individuals). In doing so, the Commission shall examine the capabilities and challenges of the Intelligence Community to collect, process, analyze, produce, and disseminate information concerning the capabilities, intentions, and activities of such foreign powers relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of Weapons of Mass Destruction, related means of delivery, and other related threats of the 21st Century.

(b) With respect to that portion of its examination under paragraph 2(a) of this order that relates to Iraq, the Commission shall specifically examine the Intelligence Community's intelligence prior to the initiation of Operation Iraqi Freedom and compare it with the findings of the Iraq Survey Group and other relevant agencies or organizations concerning the capabilities, intentions, and activities of Iraq relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of Weapons of Mass Destruction and related means of delivery.

(c) With respect to its examination under paragraph 2(a) of this order, the Commission shall:

(i) specifically evaluate the challenges of obtaining information regarding the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of Weapons of Mass Destruction, related means of delivery, and other related threats of the 21st Century in closed societies; and

(ii) compare the Intelligence Community's intelligence concerning Weapons of Mass Destruction programs and other related threats of the 21st Century in Libya prior to Libya's recent decision to open its programs to inter national scrutiny and in Afghanistan prior to removal of the Taliban government with the current assessments of organizations examining those programs.

(d) The Commission shall submit to the President by March 31, 2005, a report of the findings of the Commission resulting from its examination and its specific recommendations for ensuring that the Intelligence Community of the United States is sufficiently authorized, organized, equipped, trained, and resourced to identify and warn in a timely manner of, and to support United States Government efforts to respond to, the development and transfer of knowledge, expertise, technologies, materials, and resources associated with the proliferation of Weapons of Mass Destruction, related means of delivery, and other related threats of the 21st Century and their employment by foreign powers (including terrorists, terrorist organizations, and private networks, or other entities or individuals). The Central Intelligence Agency and other components of the Intelligence Community shall utilize the Commission and its resulting report. Within 90 days of receiving the Commission's report, the President will consult with the Congress concerning the Commission's report and recommendations, and will propose any appropriate legislative recommendations arising out of the findings of the Commission.

Sec. 3. *Membership.* The Commission shall consist of up to nine members appointed by the President, two of whom the President shall designate as Co-Chairs. Members shall be citizens of the United States. It shall take two-thirds of the members of the Commission to constitute a quorum.

Sec. 4. *Meetings of the Commission and Direction of Its Work.* The Co-Chairs of the Commission shall convene and preside at the meetings of the Commission, determine after consultation with other members of the Commission its agenda, direct its work, and assign responsibilities within the Commission.

Sec. 5. *Access to Information.* (a) To carry out this order, the Commission shall have full and complete access to information relevant to its mission as described in section 2 of this order and in the possession, custody, or control of any executive department or agency to the maximum extent permitted by law and consistent with Executive Order 12958 of April 17, 1995, as amended. Heads of departments and agencies shall promptly furnish such information to the Commission upon request. The Attorney General and the Director of Central Intelligence shall ensure the expeditious processing of all appropriate security clearances necessary for the members of the Commission to fulfill their functions.

(b) Promptly upon commencing its work, the Commission shall adopt, after consultation with the Secretary of Defense, the Attorney General, and the Director of Central Intelligence, rules and procedures of the Commission for physical, communications, computer, document, personnel, and other security in relation to the work of the Commission. The Secretary of Defense, the Attorney General, and the Director of Central Intelligence shall promptly and jointly report to the President their judgment whether the security rules and procedures adopted by the Commission are clearly consistent with the national security and protect against unauthorized disclosure of information required by law or executive order to be protected against such disclosure. The President may at any time modify the security rules or procedures of the Commission to provide the necessary protection.

Sec. 6. *General Provisions.* (a) In implementing this order, the Commission shall solely advise and assist the President.

(b) In performing its functions under this order, the Commission shall, subject to the authority of the President, be independent from any executive department or agency, or of any officer, employee, or agent thereof.

(c) Nothing in this order shall be construed to impair or otherwise affect the authorities of any department, agency, entity, officer, or employee of the United States under applicable law.

(d) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(e) The Director of the Office of Administration shall provide or arrange for the provision of administrative support and, with the assistance of the Director of the Office of Management and Budget, ensure funding for the Commission consistent with applicable law. The Director of the Office of Administration shall ensure that such support and funding meets the Commission's reasonable needs and that the manner of provision of support and funding is consistent with the authority of the Commission within the executive branch in the performance of its functions.

(f) Members of the Commission shall serve without compensation for their work on the Commission. Members who are not officers or employees in the executive branch, while engaged in the work of the Commission, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701 through 5707), consistent with the availability of funds.

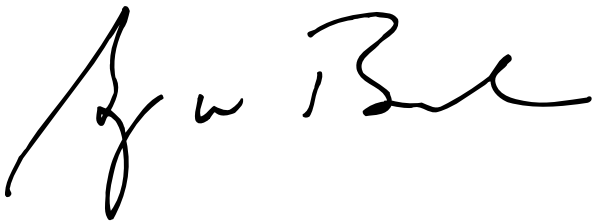
(g) The Commission shall have a staff headed by an Executive Director. The Co-Chairs shall hire and employ, or obtain by assignment or detail from departments and agencies, the staff of the Commission, including the Executive Director.

(h) The term ''Intelligence Community'' is given the same meaning as contained in section 3(4) of the National Security Act of 1947, as amended (50 U.S.C. 401a(4)).

(i) The term ''Weapons of Mass Destruction'' is given the same meaning as contained in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

Sec. 7. *Judicial Review.* This order is intended only to improve the internal management of the executive branch, and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

Sec. 8. *Termination.* The Commission shall terminate within 60 days after submitting its report.



THE WHITE HOUSE,

February 6, 2004.

[FR Doc. 04–3170

Filed 2–10–04; 8:50 am]

Billing code 3195–01–P

Executive Order 13329
Encouraging Innovation in Manufacturing

Signed: February 24, 2004
Federal Register page and date: 69 FR 9181, February 26, 2004
See: EO 12958, April 17, 1995

Federal Register

Thursday,
February 26, 2004

Part V

The President

Executive Order 13329—Encouraging Innovation in Manufacturing

Federal Register
Vol. 69, No. 38
Thursday, February 26, 2004

Presidential Documents

Title 3—

The President

Executive Order 13329 of February 24, 2004

Encouraging Innovation in Manufacturing

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Small Business Act, as amended (15 U.S.C. 631 *et seq.*), and to help ensure that Federal agencies properly and effectively assist the private sector in its manufacturing innovation efforts, it is hereby ordered as follows:

Section 1. *Policy.* Continued technological innovation is critical to a strong manufacturing sector in the United States economy. The Federal Government has an important role, including through the Small Business Innovation Research (SBIR) and the Small Business Technology Transfer (STTR) programs, in helping to advance innovation, including innovation in manufacturing, through small businesses.

Sec. 2. *Duties of Department and Agency Heads.* The head of each executive branch department or agency with one or more SBIR programs or one or more STTR programs shall:

(a) to the extent permitted by law and in a manner consistent with the mission of that department or agency, give high priority within such programs to manufacturing-related research and development to advance the policy set forth in section 1 of this order; and

(b) submit reports annually to the Administrator of the Small Business Administration and the Director of the Office of Science and Technology Policy concerning the efforts of such department or agency to implement subsection 2(a) of this order.

Sec. 3. *Duties of Administrator of the Small Business Administration.* The Administrator of the Small Business Administration:

(a) shall establish, after consultation with the Director of the Office of Science and Technology Policy, formats and schedules for submission of reports by the heads of departments and agencies under subsection 2(b) of this order; and

(b) is authorized to issue to departments and agencies guidelines and directives (in addition to the formats and schedules under subsection 3(a)) as the Administrator determines from time to time are necessary to implement subsection 2(a) of this order, after such guidelines and directives are submitted to the President, through the Director of the Office of Science and Technology Policy, for approval and are approved by the President.

Sec. 4. *Definitions.* As used in this order:

(a) ''Small Business Innovation Research (SBIR) program'' means a program to which section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)(4)) refers;

(b) ''Small Business Technology Transfer (STTR) program'' means a program to which section 9(e)(6) of the Small Business Act (15 U.S.C. 638(e)(6)) refers;

(c) ''research and development'' means an activity set forth in section 9(e)(5) of the Small Business Act (15 U.S.C. 638(e)(5)); and

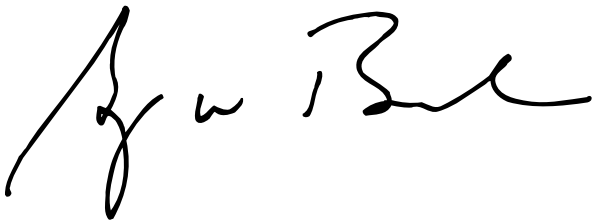
(d) ''manufacturing-related'' means relating to: (i) manufacturing processes, equipment and systems; or (ii) manufacturing workforce skills and protection.

Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect the authority of the Director of the Office

of Management and Budget with respect to budget, administrative, or legislative proposals.

(b) Nothing in this order shall be construed to require disclosure of information the disclosure of which is prohibited by law or by Executive Order, including Executive Order 12958 of April 17, 1995, as amended.

(c) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,
February 24, 2004.

[FR Doc. 04–4436
Filed 2–25–04; 8:45 am]
Billing code 3195–01–P

Executive Order 13330
Human Service Transportation Coordination

Signed: February 24, 2004
Federal Register page and date: 69 FR 9185, February 26, 2004
See: Proclamation 7804 of July 26, 2004

Federal Register

Thursday,
February 26, 2004

Part VI

The President

Executive Order 13330—Human Service Transportation Coordination

Federal Register
Vol. 69, No. 38
Thursday, February 26, 2004

Presidential Documents

Title 3—

The President

Executive Order 13330 of February 24, 2004

Human Service Transportation Coordination

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to enhance access to transportation to improve mobility, employment opportunities, and access to community services for persons who are transportation-disadvantaged, it is hereby ordered as follows:

Section 1. This order is issued consistent with the following findings and principles:

(a) A strong America depends on citizens who are productive and who actively participate in the life of their communities.

(b) Transportation plays a critical role in providing access to employment, medical and health care, education, and other community services and amenities. The importance of this role is underscored by the variety of transportation programs that have been created in conjunction with health and human service programs, and by the significant Federal investment in accessible public transportation systems throughout the Nation.

(c) These transportation resources, however, are often difficult for citizens to understand and access, and are more costly than necessary due to inconsistent and unnecessary Federal and State program rules and restrictions.

(d) A broad range of Federal program funding allows for the purchase or provision of transportation services and resources for persons who are transportation-disadvantaged. Yet, in too many communities, these services and resources are fragmented, unused, or altogether unavailable.

(e) Federally assisted community transportation services should be seamless, comprehensive, and accessible to those who rely on them for their lives and livelihoods. For persons with mobility limitations related to advanced age, persons with disabilities, and persons struggling for self-sufficiency, transportation within and between our communities should be as available and affordable as possible.

(f) The development, implementation, and maintenance of responsive, comprehensive, coordinated community transportation systems is essential for persons with disabilities, persons with low incomes, and older adults who rely on such transportation to fully participate in their communities.

Sec. 2. *Definitions.* (a) As used in this order, the term ''agency'' means an executive department or agency of the Federal Government.

(b) For the purposes of this order, persons who are transportation-disadvantaged are persons who qualify for Federally conducted or Federally assisted transportation-related programs or services due to disability, income, or advanced age.

Sec. 3. *Establishment of the Interagency Transportation Coordinating Council on Access and Mobility.* (a) There is hereby established, within the Department of Transportation for administrative purposes, the ''Interagency Transportation Coordinating Council on Access and Mobility'' (''Interagency Transportation Coordinating Council'' or ''Council''). The membership of the Interagency Transportation Coordinating Council shall consist of:

(i) the Secretaries of Transportation, Health and Human Services, Education, Labor, Veterans Affairs, Agriculture, Housing and Urban Development, and the Interior, the Attorney General, and the Commissioner of Social Security; and

(ii) such other Federal officials as the Chairperson of the Council may designate.

(b) The Secretary of Transportation, or the Secretary's designee, shall serve as the Chairperson of the Council. The Chairperson shall convene and preside at meetings of the Council, determine its agenda, direct its work, and, as appropriate to particular subject matters, establish and direct subgroups of the Council, which shall consist exclusively of the Council's members.

(c) A member of the Council may designate any person who is part of the member's agency and who is an officer appointed by the President or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS–15 of the General Schedule to perform functions of the Council or its subgroups on the member's behalf.

Sec 4. *Functions of the Interagency Transportation Coordinating Council.* The Interagency Transportation Coordinating Council shall:

(a) promote interagency cooperation and the establishment of appropriate mechanisms to minimize duplication and overlap of Federal programs and services so that transportation-disadvantaged persons have access to more transportation services;

(b) facilitate access to the most appropriate, cost-effective transportation services within existing resources;

(c) encourage enhanced customer access to the variety of transportation and resources available;

(d) formulate and implement administrative, policy, and procedural mechanisms that enhance transportation services at all levels; and

(e) develop and implement a method for monitoring progress on achieving the goals of this order.

Sec. 5. *Report.* In performing its functions, the Interagency Transportation Coordinating Council shall present to me a report not later than 1 calendar year from the date of this order. The report shall:

(a) Identify those Federal, State, Tribal and local laws, regulations, procedures, and actions that have proven to be most useful and appropriate in coordinating transportation services for the targeted populations;

(b) Identify substantive and procedural requirements of transportation-related Federal laws and regulations that are duplicative or restrict the laws' and regulations' most efficient operation;

(c) Describe the results achieved, on an agency and program basis, in: (i) simplifying access to transportation services for persons with disabilities, persons with low income, and older adults; (ii) providing the most appropriate, cost-effective transportation services within existing resources; and (iii) reducing duplication to make funds available for more services to more such persons;

(d) Provide recommendations to simplify and coordinate applicable substantive, procedural, and administrative requirements; and

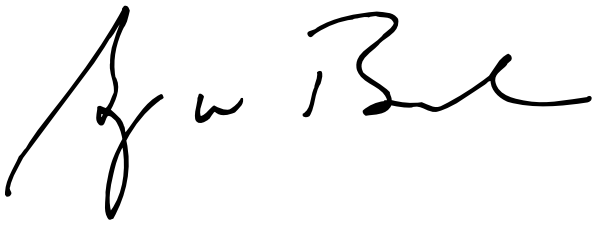
(e) Provide any other recommendations that would, in the judgment of the Council, advance the principles set forth in section 1 of this order.

Sec. 6. *General.* (a) Agencies shall assist the Interagency Transportation Coordinating Council and provide information to the Council consistent with applicable law as may be necessary to carry out its functions. To the extent permitted by law, and as permitted by available agency resources, the Department of Transportation shall provide funding and administrative support for the Council.

(b) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(c) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any

right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.



THE WHITE HOUSE,
February 24, 2004.

[FR Doc. 04–4451
Filed 2–25–04; 11:57 am]
Billing code 3195–01–P

Executive Order 13331
National and Community Service Programs

Signed: February 27, 2004
Federal Register page and date: 69 FR 9911, March 3, 2004

Federal Register
Vol. 69, No. 42
Wednesday, March 3, 2004

Presidential Documents

Title 3—

The President

Executive Order 13331 of February 27, 2004

National and Community Service Programs

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to strengthen the ability of programs authorized under the national service laws to build and reinforce a culture of service, citizenship, and responsibility throughout our Nation, and to institute reforms to improve accountability and efficiency in the administration of those programs, it is hereby ordered as follows:

Section 1. *Definitions.* For purposes of this order:

(a) ''National service laws'' means the National and Community Service Act of 1990 (42 U.S.C. 12501 *et seq.*) and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 *et seq.*);

(b) ''National and community service programs'' means those programs authorized under the national service laws;

(c) ''Policies governing programs authorized under the national service laws'' refers to all policies, programs, guidelines, and regulations, including official guidance and internal agency procedures and practices, that are issued by the Corporation for National and Community Service (Corporation) and have significant effects on national and community service programs; and

(d) ''Professional corps programs'' means those programs described in section 122(a)(8) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(8)).

Sec. 2. *Fundamental Principles and Policymaking Criteria.* In formulating and implementing policies governing programs authorized under the national service laws, the Corporation shall, to the extent permitted by law, adhere to the following fundamental principles:

(a) National and community service programs should support and encourage greater engagement of Americans in volunteering;

(b) National and community service programs should be more responsive to State and local needs;

(c) National and community service programs should make Federal support more accountable and more effective; and

(d) National and community service programs should expand opportunities for involvement of faith-based and other community organizations.

Sec. 3. *Agency Implementation.* (a) The Chief Executive Officer of the Corporation for National and Community Service (Chief Executive Officer) shall, in coordination with the USA Freedom Corps Council, review and evaluate existing policies governing national and community service programs in order to assess the consistency of such policies with the fundamental principles and policymaking criteria described in section 2 of this order.

(b) The Chief Executive Officer shall ensure that all policies governing national and community service programs issued by the Corporation are consistent with the fundamental principles and policymaking criteria described in section 2 of this order. To that end, the Chief Executive Officer shall, to the extent permitted by law,

(i) amend all such existing policies to ensure that they are consistent with the fundamental principles and policymaking criteria articulated in section 2 of this order; and

(ii) where appropriate, implement new policies that are consistent with and necessary to further the fundamental principles and policymaking criteria set forth in section 2 of this order.

(c) In developing implementation steps, the Chief Executive Officer should address, at a minimum, the following objectives:

(i) National and community service programs should leverage Federal resources to maximize support from the private sector and from State and local governments, with an emphasis on reforms that enhance programmatic flexibility, reduce administrative burdens, and calibrate Federal assistance to the respective needs of recipient organizations;

(ii) National and community service programs should leverage Federal resources to enable the recruitment and effective management of a larger number of volunteers than is currently possible;

(iii) National and community service programs should increase efforts to expand opportunities for, and strengthen the capacity of, faith-based and other community organizations in building and strengthening an infrastructure to support volunteers that meet community needs;

(iv) National and community service programs should adopt performance measures to identify those practices that merit replication and further investment, as well as to ensure accountability;

(v) National and community service programs should, consistent with the principles of Federalism and the constitutional role of the States and Indian tribes, promote innovation, flexibility, and results at all levels of government;

(vi) National and community service programs based in schools should employ tutors who meet required paraprofessional qualifications, and use such practices and methodologies as are required for supplemental educational services;

(vii) National and community service programs should foster a lifetime of citizenship and civic engagement among those who serve;

(viii) National and community service programs should avoid or eliminate practices that displace volunteers who are not supported under the national service laws; and

(ix) Guidelines for the selection of national and community service programs should recognize the importance of professional corps programs in light of the fundamental principles and policymaking criteria set forth in this order.

Sec. 4. *Management Reforms.* (a) The Corporation should implement internal management reforms to strengthen its oversight of national and community service programs through enforcement of performance and compliance standards and other management tools.

(b) Management reforms should include, but should not be limited to, the following:

(i) Institutionalized changes to the budgetary and grant-making processes to ensure that financial commitments remain within available resources;

(ii) Enhanced accounting and management systems that would ensure compliance with fiscal restrictions and provide timely, accurate, and readily available information about enrollment in AmeriCorps and about funding and obligations incurred for all national and community service programs;

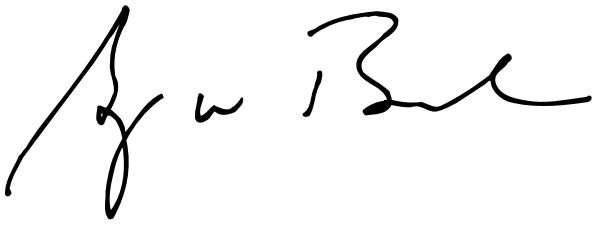
(iii) Assurance by the Chief Executive Officer and the Chief Financial Officer in the Corporation's Management Representation Letter that its financial statements, including the Statement of Budgetary Resources, are accurate and reliable; and

(iv) Management reforms that tie employee performance to fiscal responsibility, attainment of management goals, and professional conduct.

Sec. 5. *Report.* Within 180 days after the date of this order, the Chief Executive Officer shall report to the President, through the Assistant to

the President and Director of the USA Freedom Corps Office, the actions the Corporation proposes to undertake to accomplish the objectives set forth in this order.

Sec. 6. *Judicial Review.* This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,
February 27, 2004.

[FR Doc. 04–4884
Filed 3–2–04; 8:45 am]
Billing code 3195–01–P

Executive Order 13332
Further Adjustment of Certain Rates of Pay

Signed: March 3, 2004
Federal Register page and date: 69 FR 10891, March 8, 2004
Supersedes: EO 13322, December 30, 2003

Federal Register

Monday,
March 8, 2004

Part IV

The President

Executive Order 13332—Further Adjustment of Certain Rates of Pay

Federal Register
Vol. 69, No. 45
Monday, March 8, 2004

Presidential Documents

Title 3—

The President

Executive Order 13332 of March 3, 2004

Further Adjustment of Certain Rates of Pay

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the laws cited herein, it is hereby ordered as follows:

Section 1. *Statutory Pay Systems.* The rates of basic pay or salaries of the statutory pay systems (as defined in 5 U.S.C. 5302(1)), as adjusted under 5 U.S.C. 5303(a), are set forth on the schedules attached hereto and made a part hereof:

(a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1;

(b) The Foreign Service Schedule (22 U.S.C. 3963) at Schedule 2; and

(c) The schedules for the Veterans Health Administration of the Department of Veterans Affairs (38 U.S.C. 7306, 7404; section 301(a) of Public Law 102–40) at Schedule 3.

Sec. 2. *Senior Executive Service.* The ranges of rates of basic pay for senior executives in the Senior Executive Service, as established pursuant to 5 U.S.C. 5382, as amended by section 1125 of Public Law 108–136, are set forth on Schedule 4 attached hereto and made a part hereof.

Sec. 3. *Executive and Certain Other Salaries.* The rates of basic pay or salaries for the following offices and positions are set forth on the schedules attached hereto and made a part hereof:

(a) The Executive Schedule (5 U.S.C. 5311–5318) at Schedule 5;

(b) The Vice President (3 U.S.C. 104) and the Congress (2 U.S.C. 31) at Schedule 6; and

(c) Justices and judges (28 U.S.C. 5, 44(d), 135, 252, and 461(a), section 140 of Public Law 97–92, and Public Law 108–167) at Schedule 7.

Sec. 4. *Uniformed Services.* Pursuant to section 601(a)–(b) of Public Law 108–136, the rates of monthly basic pay (37 U.S.C. 203) for members of the uniformed services, as adjusted under 37 U.S.C. 1009, and the rate of monthly cadet or midshipman pay are set forth on Schedule 8 attached hereto and made a part hereof.

Sec. 5. *Locality-Based Comparability Payments.*

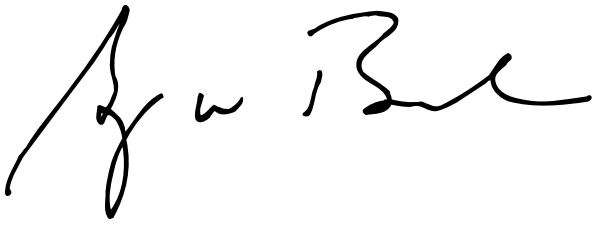
(a) Pursuant to section 5304 of title 5, United States Code, and in accordance with section 640(a) of Division F of Public Law 108–199, locality-based comparability payments shall be paid in accordance with Schedule 9 attached hereto and made a part hereof.

(b) The Director of the Office of Personnel Management shall take such actions as may be necessary to implement these payments and to publish appropriate notice of such payments in the **Federal Register**.

Sec. 6. *Administrative Law Judges.* The rates of pay for administrative law judges, as adjusted under 5 U.S.C. 5372(b)(4), are set forth on Schedule 10 attached hereto and made a part hereof.

Sec. 7. *Effective Dates.* Schedule 8 is effective on January 1, 2004. The other schedules contained herein are effective on the first day of the first pay period beginning on or after January 1, 2004.

Sec. 8. *Prior Order Superseded.* Executive Order 13322 of December 30, 2003, is superseded.



THE WHITE HOUSE,
March 3, 2004.

Billing code 3195–01–P

SCHEDULE 1--GENERAL SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

	1	2	3	4	5	6	7	8	9	10
GS-1	$15,625	$16,146	$16,666	$17,183	$17,703	$18,009	$18,521	$19,039	$19,060	$19,543
GS-2	17,568	17,985	18,567	19,060	19,274	19,841	20,408	20,975	21,542	22,109
GS-3	19,168	19,807	20,446	21,085	21,724	22,363	23,002	23,641	24,280	24,919
GS-4	21,518	22,235	22,952	23,669	24,386	25,103	25,820	26,537	27,254	27,971
GS-5	24,075	24,878	25,681	26,484	27,287	28,090	28,893	29,696	30,499	31,302
GS-6	26,836	27,731	28,626	29,521	30,416	31,311	32,206	33,101	33,996	34,891
GS-7	29,821	30,815	31,809	32,803	33,797	34,791	35,785	36,779	37,773	38,767
GS-8	33,026	34,127	35,228	36,329	37,430	38,531	39,632	40,733	41,834	42,935
GS-9	36,478	37,694	38,910	40,126	41,342	42,558	43,774	44,990	46,206	47,422
GS-10	40,171	41,510	42,849	44,188	45,527	46,866	48,205	49,544	50,883	52,222
GS-11	44,136	45,607	47,078	48,549	50,020	51,491	52,962	54,433	55,904	57,375
GS-12	52,899	54,662	56,425	58,188	59,951	61,714	63,477	65,240	67,003	68,766
GS-13	62,905	65,002	67,099	69,196	71,293	73,390	75,487	77,584	79,681	81,778
GS-14	74,335	76,813	79,291	81,769	84,247	86,725	89,203	91,681	94,159	96,637
GS-15	87,439	90,354	93,269	96,184	99,099	102,014	104,929	107,844	110,759	113,674

SCHEDULE 2--FOREIGN SERVICE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Step	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9
1	$87,439	$70,851	$57,410	$46,519	$37,694	$33,697	$30,124	$26,930	$24,075
2	90,062	72,977	59,132	47,915	38,825	34,708	31,028	27,738	24,797
3	92,764	75,166	60,906	49,352	39,990	35,749	31,959	28,570	25,541
4	95,547	77,421	62,733	50,833	41,189	36,822	32,917	29,427	26,307
5	98,413	79,743	64,615	52,358	42,425	37,926	33,905	30,310	27,097
6	101,366	82,136	66,554	53,928	43,698	39,064	34,922	31,219	27,910
7	104,407	84,600	68,551	55,546	45,009	40,236	35,970	32,156	28,747
8	107,539	87,138	70,607	57,213	46,359	41,443	37,049	33,121	29,609
9	110,765	89,752	72,725	58,929	47,750	42,686	38,160	34,114	30,497
10	113,674	92,444	74,907	60,697	49,182	43,967	39,305	35,138	31,412
11	113,674	95,218	77,154	62,518	50,658	45,286	40,484	36,192	32,355
12	113,674	98,074	79,469	64,393	52,177	46,645	41,699	37,277	33,325
13	113,674	101,017	81,853	66,325	53,743	48,044	42,950	38,396	34,325
14	113,674	104,047	84,309	68,315	55,355	49,485	44,238	39,548	35,355

SCHEDULE 3--VETERANS HEALTH ADMINISTRATION SCHEDULES
DEPARTMENT OF VETERANS AFFAIRS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Schedule for the Office of the Under Secretary for Health
(38 U.S.C. 7306)*

Deputy Under Secretary for Health	$148,495 **	
Associate Deputy Under Secretary for Health	142,230 ***	
Assistant Under Secretaries for Health	138,037 ***	

	Minimum	Maximum	
Medical Directors	$117,774	$133,481	***
Service Directors	102,549	127,359	
Director, National Center for Preventive Health	87,439	127,359	

Physician and Dentist Schedule

Director Grade	$102,549	$127,359
Executive Grade	94,694	120,684
Chief Grade	87,439	113,674
Senior Grade	74,335	96,637
Intermediate Grade	62,905	81,778
Full Grade	52,899	68,766
Associate Grade	44,136	57,375

Clinical Podiatrist and Optometrist Schedule

Chief Grade	$87,439	$113,674
Senior Grade	74,335	96,637
Intermediate Grade	62,905	81,778
Full Grade	52,899	68,766
Associate Grade	44,136	57,375

Physician Assistant and Expanded-Function Dental Auxiliary Schedule ****

Director Grade	$87,439	$113,674
Assistant Director Grade	74,335	96,637
Chief Grade	62,905	81,778
Senior Grade	52,899	68,766
Intermediate Grade	44,136	57,375
Full Grade	36,478	47,422
Associate Grade	31,390	40,804
Junior Grade	26,836	34,891

* This schedule does not apply to the Assistant Under Secretary for Nursing Programs or the Director of Nursing Services. Pay for these positions is set by the Under Secretary for Health under 38 U.S.C. 7451.

** Pursuant to section 7404(d)(1) of title 38, United States Code, the rate of basic pay payable to this employee is limited to the rate for level IV of the Executive Schedule, which is $136,900.

*** Pursuant to section 7404(d)(2) of title 38, United States Code, the rate of basic pay payable to these employees is limited to the rate for level V of the Executive Schedule, which is $128,200.

**** Pursuant to section 301(a) of Public Law 102-40, these positions are paid according to the Nurse Schedule in 38 U.S.C. 4107(b) as in effect on August 14, 1990, with subsequent adjustments.

SCHEDULE 4--SENIOR EXECUTIVE SERVICE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

	Minimum	Maximum
Agencies with a Certified SES Performance Appraisal System.	$104,927	$158,100
Agencies without a Certified SES Performance Appraisal System.	$104,927	$145,600

SCHEDULE 5--EXECUTIVE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Level I	$175,700
Level II	158,100
Level III.	145,600
Level IV	136,900
Level V	128,200

SCHEDULE 6--VICE PRESIDENT AND MEMBERS OF CONGRESS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Vice President	$203,000
Senators	158,100
Members of the House of Representatives.	158,100
Delegates to the House of Representatives.	158,100
Resident Commissioner from Puerto Rico	158,100
President pro tempore of the Senate.	175,700
Majority leader and minority leader of the Senate.	175,700
Majority leader and minority leader of the House of Representatives	175,700
Speaker of the House of Representatives.	203,000

SCHEDULE 7--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004

Chief Justice of the United States	$203,000
Associate Justices of the Supreme Court.	194,300
Circuit Judges	167,600
District Judges.	158,100
Judges of the Court of International Trade	158,100

SCHEDULE 8–PAY OF THE UNIFORMED SERVICES
(Effective on January 1, 2004)

Part I–MONTHLY BASIC PAY

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
COMMISSIONED OFFICERS															
O-10 **	-	-	-	-	-	-	-	-	-	-	-	$12,524.70*	$12,586.20*	$12,847.80*	$13,303.80*
O-9	-	-	-	-	-	-	-	-	-	-	-	10,954.50	11,112.30	11,340.30	11,738.40
O-8	$7,751.10	$8,004.90	$8,173.20	$8,220.60	$8,430.30	$8,781.90	$8,863.50	$9,197.10	$9,292.80	$9,579.90	$9,995.70	10,379.10	10,635.30	10,635.30	10,635.30
O-7	6,440.70	6,739.80	6,878.40	6,988.50	7,187.40	7,384.20	7,611.90	7,839.00	8,066.70	8,781.90	9,386.10	9,386.10	9,386.10	9,386.10	9,433.50
O-6	4,773.60	5,244.30	5,588.40	5,588.40	5,609.70	5,850.00	5,882.10	5,882.10	6,216.30	6,807.30	7,154.10	7,500.90	7,698.30	7,897.80	8,285.40
O-5	3,979.50	4,482.90	4,793.40	4,851.60	5,044.80	5,161.20	5,415.90	5,602.80	5,844.00	6,213.60	6,389.70	6,563.40	6,760.80	6,760.80	6,760.80
O-4	3,433.50	3,974.70	4,239.90	4,299.00	4,545.30	4,809.30	5,137.80	5,394.00	5,571.60	5,673.60	5,733.00	5,733.00	5,733.00	5,733.00	5,733.00
O-3 ***	3,018.90	3,422.40	3,693.90	4,027.20	4,220.10	4,431.60	4,568.70	4,794.30	4,911.30	4,911.30	4,911.30	4,911.30	4,911.30	4,911.30	4,911.30
O-2 ***	2,608.20	2,970.60	3,421.50	3,537.00	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90
O-1 ***	2,264.40	2,356.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50
COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER AND/OR WARRANT OFFICER**															
O-3E	-	-	-	$4,027.20	$4,220.10	$4,431.60	$4,568.70	$4,794.30	$4,984.20	$5,092.80	$5,241.30	$5,241.30	$5,241.30	$5,241.30	$5,241.30
O-2E	-	-	-	3,537.00	3,609.90	3,724.80	3,918.60	4,068.60	4,180.20	4,180.20	4,180.20	4,180.20	4,180.20	4,180.20	4,180.20
O-1E	-	-	-	2,848.50	3,042.30	3,154.50	3,269.40	3,382.20	3,537.00	3,537.00	3,537.00	3,537.00	3,537.00	3,537.00	3,537.00

* Basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule, which is $12,133.20 per month:

** For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code), basic pay for this grade is calculated to be $14,634.20 per month, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule, which is $12,133.20 per month.

*** Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**** Reservists with more than 1,460 points as an enlisted member and/or warrant officer which are creditable toward reserve retirement also qualify for these rates.

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 2)

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
WARRANT OFFICERS															
W-5	-	-	-	-	-	-	-	-	-	-	-	$5,360.70	$5,544.30	$5,728.80	$5,914.20
W-4	$3,119.40	$3,355.80	$3,452.40	$3,547.20	$3,710.40	$3,871.50	$4,035.00	$4,194.30	$4,359.00	$4,617.30	$4,782.60	4,944.30	5,112.00	5,277.00	5,445.90
W-3	2,848.80	2,967.90	3,089.40	3,129.30	3,257.10	3,403.20	3,595.80	3,786.30	3,988.80	4,140.60	4,291.80	4,356.90	4,424.10	4,570.20	4,716.30
W-2	2,505.90	2,649.00	2,774.10	2,865.30	2,943.30	3,157.80	3,321.60	3,443.40	3,562.20	3,643.80	3,712.50	3,843.00	3,972.60	4,103.70	4,103.70
W-1	2,212.80	2,394.00	2,515.20	2,593.50	2,802.30	2,928.30	3,039.90	3,164.70	3,247.20	3,321.90	3,443.70	3,535.80	3,535.80	3,535.80	3,535.80
ENLISTED MEMBERS															
E-9 *	-	-	-	-	-	-	$3,769.20	$3,854.70	$3,962.40	$4,089.30	$4,216.50	$4,421.10	$4,594.20	$4,776.60	$5,054.70
E-8	-	-	-	-	-	$3,085.50	3,222.00	3,306.30	3,407.70	3,517.50	3,715.50	3,815.70	3,986.40	4,081.20	4,314.30
E-7	$2,145.00	$2,341.20	$2,430.60	$2,549.70	$2,642.10	2,801.40	2,891.10	2,980.20	3,139.80	3,219.60	3,295.50	3,341.70	3,498.00	3,599.10	3,855.00
E-6	1,855.50	2,041.20	2,131.20	2,218.80	2,310.00	2,516.10	2,596.20	2,685.30	2,763.30	2,790.90	2,809.80	2,809.80	2,809.80	2,809.80	2,809.80
E-5	1,700.10	1,813.50	1,901.10	1,991.10	2,130.60	2,250.90	2,339.70	2,367.90	2,367.90	2,367.90	2,367.90	2,367.90	2,367.90	2,367.90	2,367.90
E-4	1,558.20	1,638.30	1,726.80	1,814.10	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50
E-3	1,407.00	1,495.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50
E-2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E-1 **	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40
E-1 ***	1,104.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-

* For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $6,090.90 per month, regardless of cumulative years of service under section 205 of title 37, United States Code.

** Applies to personnel who have served 4 months or more on active duty.

*** Applies to personnel who have served less than 4 months on active duty.

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 3)

Part II-RATE OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by section 203(c) of title 37, United States Code, is $792.60.

Note: As a result of the enactment of sections 602-694 of Public Law 105-85, the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Defense now has the authority to adjust the rates of basic allowances for subsistence and housing. Therefore, these allowances are no longer adjusted by the President in conjunction with the adjustment of basic pay for members of the uniformed services. Accordingly, the tables of allowances included in previous orders are not included here.

SCHEDULE 9--LOCALITY-BASED COMPARABILITY PAYMENTS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Locality Pay Area[1]	Rate
Atlanta, GA	12.61%
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI	16.99%
Chicago-Gary-Kenosha, IL-IN-WI	18.26%
Cincinnati-Hamilton, OH-KY-IN	15.07%
Cleveland-Akron, OH	13.14%
Columbus, OH	13.14%
Dallas-Fort Worth, TX	13.85%
Dayton-Springfield, OH	12.03%
Denver-Boulder-Greeley, CO	16.66%
Detroit-Ann Arbor-Flint, MI	18.32%
Hartford, CT	17.87%
Houston-Galveston-Brazoria, TX	23.14%
Huntsville, AL	11.49%
Indianapolis, IN	11.11%
Kansas City, MO-KS	11.54%
Los Angeles-Riverside-Orange County, CA	20.05%
Miami-Fort Lauderdale, FL	15.54%
Milwaukee-Racine, WI	12.64%
Minneapolis-St. Paul, MN-WI	14.75%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA	19.29%
Orlando, FL	10.93%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD	15.32%
Pittsburgh, PA	11.92%
Portland-Salem, OR-WA	14.69%
Richmond-Petersburg, VA	12.13%
Sacramento-Yolo, CA	15.18%
St. Louis, MO-IL	11.27%
San Diego, CA	16.16%
San Francisco-Oakland-San Jose, CA	24.21%
Seattle-Tacoma-Bremerton, WA	15.12%
Washington-Baltimore, DC-MD-VA-WV	14.63%
Rest of U.S.	10.90%

SCHEDULE 10 ADMINISTRATIVE LAW JUDGES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

AL-3/A	$91,200
AL-3/B	98,100
AL-3/C	105,200
AL-3/D	112,200
AL-3/E	119,200
AL-3/F	126,100
AL-2	133,300
AL-1	136,900

[1]Locality Pay Areas are defined in 5 CFR 531.603.

[FR Doc. 04–5322

Filed 3–5–04; 8:55 am]

Billing code 3195–01–C

Executive Order 13333

Amending Executive Order 13257 To Implement the Trafficking Victims Protection Reauthorization Act of 2003

Signed: March 16, 2004

Federal Register page and date: 69 FR 13455, March 23, 2004

Amends: EO 13257, February 13, 2002

Federal Register
Vol. 69, No. 56
Tuesday, March 23, 2004

Presidential Documents

Title 3—

The President

Executive Order 13333 of March 18, 2004

Amending Executive Order 13257 To Implement the Trafficking Victims Protection Reauthorization Act of 2003

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*) (the ''Act''), as amended by the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), and section 301 of title 3, United States Code, it is hereby ordered that Executive Order 13257 of February 13, 2002, is amended as follows:

Section 1. The preamble is amended by: (a) deleting ''7103'' and inserting in lieu thereof ''7101 *et seq.*''; and (b) after the phrase ''(the ''Act''),'' inserting ''and section 301 of title 3, United States Code,''.

Sec. 2. Section 4 is redesignated as section 8.

Sec. 3. After section 3, the following new sections are added:

''**Sec. 4.** *Guidelines, Policies, and Regulations.* (a) The Senior Policy Operating Group (SPOG), described in subsection 105(f) of the Act, shall (i) establish guidelines and policies to coordinate the activities of executive branch departments and agencies regarding policies (including grants and grant policies) involving the international trafficking in persons and (ii) advise the Secretary of State what regulations may be necessary to implement section 105 of the Act, including such regulations as may be necessary to carry out the sharing of information on all matters relating to grants, grant policies, or other significant actions regarding the international trafficking in persons as set forth in subsection 105(f)(4) of the Act, to the extent permitted by law.

(b) The Secretary of State, in consultation with the members of the Task Force or their representatives, shall promulgate regulations to implement section 105 of the Act.

Sec. 5. *Enhanced Prevention of Trafficking in Persons.* (a) The Secretary of State, in consultation with the members of the Task Force or their representatives, shall carry out the functions under subsection 106(c) and subsection 106(d) of the Act.

(b) The Secretary of State shall have the authority to determine, under section 106(e)(1) of the Act, foreign destinations where sex tourism is significant. The Secretary of Homeland Security, in consultation with the members of the Task Force or their representatives and appropriate officials of the Departments of Commerce and Transportation, shall carry out all other functions under subsection 106(e) of the Act, including promulgation of any appropriate regulations relating to the distribution of the materials described in subsection 106(e).

(c) The head of each executive branch agency responsible for the establishment and conduct of initiatives and programs described in subsections 106(a) through (e) of the Act shall consult with appropriate nongovernmental organizations consistent with section 106(f) of the Act.

(d) The Secretary of State shall have responsibility to initiate appropriate regulatory implementation of the requirements set out in section 106(g) of the Act with respect to contracts, including proposing appropriate amendments to the Federal Acquisition Regulation. Each affected executive branch department or agency shall implement, within that department or agency,

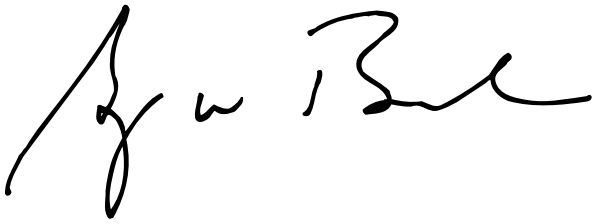
the requirements set out in section 106(g) of the Act with respect to grants and cooperative agreements.

Sec. 6. *Research on Trafficking in Persons.* The entities named in section 112A of the Act shall carry out the research initiatives required by section 112A of the Act, and shall award grants according to such policies and guidelines as may be established by the SPOG described in section 105(f) of the Act, as well as any applicable agency rules and regulations.

Sec. 7. *Guidance for Exercising Authority and Performing Duties.* In exercising authority delegated by, or performing functions assigned in, this order, officers of the United States shall ensure that all actions taken by them are consistent with the President's constitutional authority to:

(a) conduct the foreign affairs of the United States;
(b) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties;
(c) recommend for congressional consideration such measures as the President may judge necessary or expedient; and
(d) supervise the unitary Executive Branch.''

Sec. 4. *Judicial Review.* This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.



THE WHITE HOUSE,
March 18, 2004.

[FR Doc. 04–6622
Filed 3–22–04; 8:45 am]
Billing code 3195–01–P

Executive Order 13334

Establishing an Emergency Board To Investigate a Dispute Between the Southeastern Pennsylvania Transportation Authority and its Conductors Represented by the United Transportation Union

Signed: April 10, 2004

Federal Register page and date: 69 FR 19917, April 14, 2004

Federal Register

Wednesday,
April 14, 2004

Part III

The President

Executive Order 13334—Establishing an Emergency Board To Investigate a Dispute Between the Southeastern Pennsylvania Transportation Authority and its Conductors Represented by the United Transportation Union

Federal Register
Vol. 69, No. 72
Wednesday, April 14, 2004

Presidential Documents

Title 3—

The President

Executive Order 13334 of April 10, 2004

Establishing an Emergency Board To Investigate a Dispute Between the Southeastern Pennsylvania Transportation Authority and its Conductors Represented by the United Transportation Union

A dispute exists between the Southeastern Pennsylvania Transportation Authority, and its conductors represented by the United Transportation Union.

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended, 45 U.S.C. 151–188 (the "Act'').

A party empowered by the Act has requested that the President establish an emergency board pursuant to section 9A of the Act (45 U.S.C. 159a).

Section 9A(c) of the Act provides that the President, upon such request, shall appoint an emergency board to investigate and report on the dispute.

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States, including section 9A of the Act, it is hereby ordered as follows:

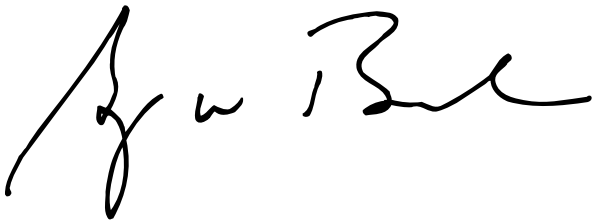
Section 1. *Establishment of Emergency Board ("Board'').* There is established, effective April 12, 2004, a Board of three members to be appointed by the President to investigate and report on this dispute. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier. The Board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* The Board shall report to the President with respect to this dispute within 30 days of its creation.

Sec. 3. *Maintaining Conditions.* As provided by section 9A(c) of the Act, from the date of the creation of the Board and for 120 days thereafter, no change in theconditions out of which the dispute arose shall be made by the parties to the controversy, except by agreement of the parties.

Sec. 4. *Records Maintenance.* The records and files of the Board are records of the Office of the President and upon the Board's termination shall be maintained in the physical custody of the National Mediation Board.

Sec. 5. *Expiration.* The Board shall terminate upon the submission of the report provided for in section 2 of this order.



THE WHITE HOUSE,
April 10, 2004.

[FR Doc. 04–8616
Filed 4–13–04; 9:10 am]
Billing code 3195–01–P

Executive Order 13335

Incentives for the Use of Health Information Technology and Establishing the Position of the National Health Information Technology Coordinator

Signed: April 27, 2004

Federal Register page and date: 69 FR 24059, April 30, 2004

Federal Register

Friday,
April 30, 2004

Part VII

The President

Executive Order 13335—Incentives for the Use of Health Information Technology and Establishing the Position of the National Health Information Technology Coordinator

Federal Register
Vol. 69, No. 84
Friday, April 30, 2004

Presidential Documents

Title 3—

The President

Executive Order 13335 of April 27, 2004

Incentives for the Use of Health Information Technology and Establishing the Position of the National Health Information Technology Coordinator

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to provide leadership for the development and nationwide implementation of an interoperable health information technology infrastructure to improve the quality and efficiency of health care, it is hereby ordered as follows:

Section 1. *Establishment.* (a) The Secretary of Health and Human Services (Secretary) shall establish within the Office of the Secretary the position of National Health Information Technology Coordinator.

(b) The National Health Information Technology Coordinator (National Coordinator), appointed by the Secretary in consultation with the President or his designee, will report directly to the Secretary.

(c) The Secretary shall provide the National Coordinator with appropriate staff, administrative support, and other resources to meet its responsibilities under this order.

(d) The Secretary shall ensure that the National Coordinator begins operations within 90 days of the date of this order.

Sec. 2. *Policy.* In fulfilling its responsibilities, the work of the National Coordinator shall be consistent with a vision of developing a nationwide interoperable health information technology infrastructure that:

(a) Ensures that appropriate information to guide medical decisions is available at the time and place of care;

(b) Improves health care quality, reduces medical errors, and advances the delivery of appropriate, evidence-based medical care;

(c) Reduces health care costs resulting from inefficiency, medical errors, inappropriate care, and incomplete information;

(d) Promotes a more effective marketplace, greater competition, and increased choice through the wider availability of accurate information on health care costs, quality, and outcomes;

(e) Improves the coordination of care and information among hospitals, laboratories, physician offices, and other ambulatory care providers through an effective infrastructure for the secure and authorized exchange of health care information; and

(f) Ensures that patients' individually identifiable health information is secure and protected.

Sec. 3. *Responsibilities of the National Health Information Technology Coordinator.* (a) The National Coordinator shall, to the extent permitted by law, develop, maintain, and direct the implementation of a strategic plan to guide the nationwide implementation of interoperable health information technology in both the public and private health care sectors that will reduce medical errors, improve quality, and produce greater value for health care expenditures. The National Coordinator shall report to the Secretary regarding progress on the development and implementation of the strategic plan within 90 days after the National Coordinator begins operations and periodically thereafter. The plan shall:

(i) Advance the development, adoption, and implementation of health care information technology standards nationally through collaboration among public and private interests, and consistent with current efforts to set health information technology standards for use by the Federal Government;

(ii) Ensure that key technical, scientific, economic, and other issues affecting the public and private adoption of health information technology are addressed;

(iii) Evaluate evidence on the benefits and costs of interoperable health information technology and assess to whom these benefits and costs accrue;

(iv) Address privacy and security issues related to interoperable health information technology and recommend methods to ensure appropriate authorization, authentication, and encryption of data for transmission over the Internet;

(v) Not assume or rely upon additional Federal resources or spending to accomplish adoption of interoperable health information technology; and

(vi) Include measurable outcome goals.

(b) The National Coordinator shall:

(i) Serve as the Secretary's principal advisor on the development, application, and use of health information technology, and direct the Department of Health and Human Service's health information technology programs;

(ii) Ensure that health information technology policy and programs of the Department of Health and Human Services (HHS) are coordinated with those of relevant executive branch agencies (including Federal commissions) with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes activities primarily within the areas of its greatest expertise and technical capability;

(iii) To the extent permitted by law, coordinate outreach and consultation by the relevant executive branch agencies (including Federal commissions) with public and private parties of interest, including consumers, providers, payers, and administrators; and

(iv) At the request of the Office of Management and Budget, provide comments and advice regarding specific Federal health information technology programs.

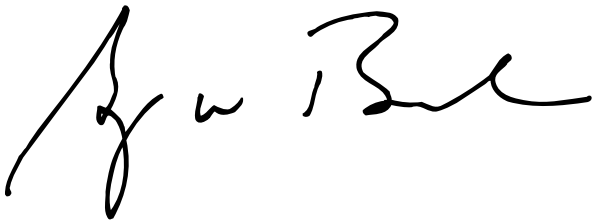
Sec. 4. *Reports.* To facilitate the development of interoperable health information technologies, the Secretary of Health and Human Services shall report to the President within 90 days of this order on options to provide incentives in HHS programs that will promote the adoption of interoperable health information technology. In addition, the following reports shall be submitted to the President through the Secretary:

(a) The Director of the Office of Personnel Management shall report within 90 days of this order on options to provide incentives in the Federal Employee Health Benefit Program that will promote the adoption of interoperable health information technology; and

(b) Within 90 days, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly report on the approaches the Departments could take to work more actively with the private sector to make their health information systems available as an affordable option for providers in rural and medically underserved communities.

Sec. 5. *Administration and Judicial Review.* (a) The actions directed by this order shall be carried out subject to the availability of appropriations and to the extent permitted by law.

(b) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity against the United States, its agencies, its entities or instrumentalities, its officers or employees, or any other person.



THE WHITE HOUSE,
April 27, 2004.

[FR Doc. 04–10024
Filed 04–29–04; 8:45 am]
Billing code 3195–01–P

Executive Order 13336
American Indian and Alaska Native Education

Signed: April 30, 2004
Federal Register page and date: 69 FR 25295, May 5, 2004
See: EO 13175, November 6, 2000
Revokes: EO 13096, August 6, 1998

Federal Register

Wednesday,
May 5, 2004

Part VII

The President

Executive Order 13336—American Indian and Alaska Native Education

Executive Order 13337—Issuance of Permits With Respect to Certain Energy-Related Facilities and Land Transportation Crossings on the International Boundaries of the United States

Federal Register
Vol. 69, No. 87
Wednesday, May 5, 2004

Presidential Documents

Title 3—

The President

Executive Order 13336 of April 30, 2004

American Indian and Alaska Native Education

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to recognize the unique educational and culturally related academic needs of American Indian and Alaska Native students consistent with the unique political and legal relationship of the Federal Government with tribal governments, it is hereby ordered as follows:

Section 1. *Purpose.* The United States has a unique legal relationship with Indian tribes and a special relationship with Alaska Native entities as provided in the Constitution of the United States, treaties, and Federal statutes. This Administration is committed to continuing to work with these Federally recognized tribal governments on a government-to-government basis, and supports tribal sovereignty and self-determination. It is the purpose of this order to assist American Indian and Alaska Native students in meeting the challenging student academic standards of the No Child Left Behind Act of 2001 (Public Law 107–110) in a manner that is consistent with tribal traditions, languages, and cultures. This order builds on the innovations, reforms, and high standards of the No Child Left Behind Act of 2001, including: stronger accountability for results; greater flexibility in the use of Federal funds; more choices for parents; and an emphasis on research-based instruction that works.

Sec. 2. *Interagency Working Group.* There is established an Interagency Working Group on American Indian and Alaska Native Education (Working Group) to oversee the implementation of this order.

(a) The Working Group's members shall consist exclusively of the heads of the executive branch departments, agencies, or offices listed below:

(i) the Department of Education;
(ii) the Department of the Interior;
(iii) the Department of Health and Human Services;
(iv) the Department of Agriculture;
(v) the Department of Justice;
(vi) the Department of Labor; and
(vii) such other executive branch departments, agencies, or offices as the Co-Chairs of the Working Group may designate.

A member of the Working Group may designate, to perform the Working Group functions of the member, an employee of the member's department, agency, or office who is either an officer of the United States appointed by the President, or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS–15 of the General Schedule. The Working Group shall be led by the Secretaries of Education and the Interior, or their designees under this section, who shall serve as Co-Chairs.

(b) The function of the Working Group is to oversee the implementation of this order. The Working Group shall, within 90 days of the date of this order, develop a Federal interagency plan that recommends initiatives, strategies, and ideas for future interagency actions that promote the purpose, as stated in section 1, of this order. In carrying out its activities under this order, the Working Group may consult with representatives of American Indian and Alaska Native tribes and organizations, in conformity with Executive Order 13175 of November 6, 2000, and with the National Advisory Council on Indian Education (NACIE). Any such consultations shall be

for the purpose of obtaining information and advice concerning American Indian and Alaska Native education and shall be conducted in a manner that seeks individual advice and does not involve collective judgment or consensus advice or deliberation.

Sec. 3. *Study and Report.* The Secretary of Education, in coordination with the Working Group, shall conduct a multi-year study of American Indian and Alaska Native education with the purpose of improving American Indian and Alaska Native students' ability to meet the challenging student academic standards of the No Child Left Behind Act of 2001.

(a) The study shall include, but not be limited to:

(i) the compilation of comprehensive data on the academic achievement and progress of American Indian and Alaska Native students toward meeting the challenging student academic standards of the No Child Left Behind Act of 2001;

(ii) identification and dissemination of research-based practices and proven methods in raising academic achievement and, in particular, reading achievement, of American Indian and Alaska Native students;

(iii) assessment of the impact and role of native language and culture on the development of educational strategies to improve academic achievement;

(iv) development of methods to strengthen early childhood education so that American Indian and Alaska Native students enter school ready to learn; and

(v) development of methods to increase the high school graduation rate and develop pathways to college and the workplace for American Indian and Alaska Native students.

The Secretary of Education shall develop an agenda, including proposed timelines and ongoing activities, for the conduct of the study, and shall make that agenda available to the public on the Internet.

(b) The Secretary of Education, in coordination with the Working Group, shall issue a report to the President that shall:

(i) provide the latest data available from the study;

(ii) comprehensively describe the educational status and progress of American Indian and Alaska Native students with respect to meeting the goals outlined in the No Child Left Behind Act of 2001 and any other student achievement goals the Secretary of Education or the Secretary of the Interior may deem necessary;

(iii) report on proven methods for improving American Indian and Alaska Native student academic achievement; and

(iv) update the Federal interagency plan outlined in section 2(b) of this order.

Sec. 4. *Enhancement of Research Capabilities of Tribal-Level Educational Institutions.* The Secretary of Education and the Secretary of the Interior shall consult with the entities set forth in section 2(a) of this order and tribally controlled colleges and universities to seek ways to develop and enhance the capacity of tribal governments, tribal universities and colleges, and schools and educational programs serving American Indian and Alaska Native students and communities to carry out, disseminate, and implement education research, as well as to develop related partnerships or collaborations with non-tribal universities, colleges, and research organizations.

Sec. 5. *National Conference.* The Secretary of Education and the Secretary of the Interior, in collaboration with the Working Group and Federal, State, tribal, and local government representatives, shall jointly convene a forum on the No Child Left Behind Act of 2001 to identify means to enhance communication, collaboration, and cooperative strategies to improve the education of American Indian and Alaska Native students attending Federal, State, tribal, and local schools.

Sec. 6. *Administration.* The Department of Education shall provide appropriate administrative services and staff support to the Working Group. With

the consent of the Department of Education, other participating agencies may provide administrative support to the Working Group, to the extent permitted by law and consistent with their statutory authority.

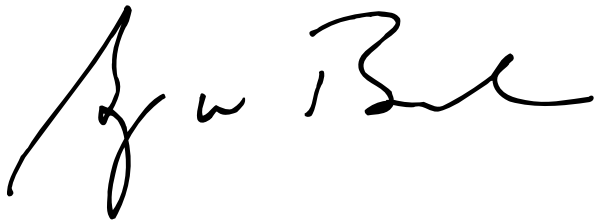
Sec. 7. *Termination.* The Working Group established under section 2 of this order shall terminate not later than 5 years from the date of this order, unless extended by the President.

Sec. 8. *Consultation.* The Secretary of Education and Secretary of the Interior shall consult the Attorney General as appropriate on the implementation of this order, to ensure that such implementation affords the equal protection of the laws required by the due process clause of the Fifth Amendment to the Constitution.

Sec. 9. *General Provisions.*

(a) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(b) Executive Order 13096 of August 6, 1998, is revoked.



THE WHITE HOUSE,
April 30, 2004.

[FR Doc. 04–10377
Filed 5–4–04; 8:45 am]
Billing code 3195–01–P

Executive Order 13337

Issuance of Permits With Respect to Certain Energy-Related Facilities and Land Transportation Crossings on the International Boundaries of the United States

Signed: April 30, 2004

Federal Register page and date: 69 FR 25299, May 5, 2004

Amends: EO 11423, August 16, 1968

See: EO 10485, September 3, 1953; EO 10530, May 10, 1954; EO 13212, May 18, 2001

Presidential Documents

Executive Order 13337 of April 30, 2004

Issuance of Permits With Respect to Certain Energy-Related Facilities and Land Transportation Crossings on the International Boundaries of the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to amend Executive Order 11423 of August 16, 1968, as amended, and to further the policy of my Administration as stated in Executive Order 13212 of May 18, 2001, as amended, to expedite reviews of permits as necessary to accelerate the completion of energy production and transmission projects, and to provide a systematic method for evaluating and permitting the construction and maintenance of certain border crossings for land transportation, including motor and rail vehicles, that do not require construction or maintenance of facilities connecting the United States with a foreign country, while maintaining safety, public health, and environmental protections, it is hereby ordered as follows:

Section 1. (a) Except with respect to facilities covered by Executive Order 10485 of September 3, 1953, and Executive Order 10530 of May 10, 1954, the Secretary of State is hereby designated and empowered to receive all applications for Presidential permits, as referred to in Executive Order 11423, as amended, for the construction, connection, operation, or maintenance, at the borders of the United States, of facilities for the exportation or importation of petroleum, petroleum products, coal, or other fuels to or from a foreign country.

(b) Upon receipt of a completed application pursuant to paragraph (a) of this section, the Secretary of State shall:

(i) Request additional information needed from the applicant, as appropriate, before referring the application to other agencies pursuant to paragraph (b)(ii) of this section;

(ii) Refer the application and pertinent information to, and request the views of, the Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Transportation, the Secretary of Energy, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, or the heads of the departments or agencies in which the relevant authorities or responsibilities of the foregoing are subsequently conferred or transferred, and, for applications concerning the border with Mexico, the United States Commissioner of the International Boundary and Water Commission; and

(iii) Refer the application and pertinent information to, and request the views of, such other Federal Government department and agency heads as the Secretary of State deems appropriate.

(c) All Federal Government officials consulted by the Secretary of State pursuant to paragraph (b)(ii) or (b)(iii) of this section shall provide their views and render such assistance as may be requested, consistent with their authority, in a timely manner, but not to exceed 90 days from the date of the request.

(d) Should any of the Federal Government officials consulted pursuant to paragraph (b)(ii) or (b)(iii) of this section request from the Department of State additional information that is necessary for them to provide their views or to render such assistance as may be required, the time elapsed

between the date of that request for additional information and the date such additional information is received shall not be counted in calculating the time period prescribed in paragraph (c) of this section.

(e) The Secretary of State may also consult with such State, tribal, and local government officials and foreign governments, as the Secretary deems appropriate, with respect to each application. The Secretary shall solicit responses in a timely manner, not to exceed 90 days from the date of the request.

(f) Upon receiving the views and assistance requested pursuant to paragraphs (b) and (e) of this section, the Secretary of State shall consider, in light of any statutory or other requirements or other considerations, whether or not additional information is needed in order to evaluate the application and, as appropriate, request such information from the applicant.

(g) After consideration of the views and assistance obtained pursuant to paragraphs (b) and, as appropriate, (e) and (f) of this section and any public comments submitted pursuant to section 3(a) of this order, if the Secretary of State finds that issuance of a permit to the applicant would serve the national interest, the Secretary shall prepare a permit, in such form and with such terms and conditions as the national interest may in the Secretary's judgment require, and shall notify the officials required to be consulted under paragraph (b)(ii) of this section of the proposed determination that a permit be issued.

(h) After consideration of the views obtained pursuant to paragraphs (b) and, as appropriate, (e) and (f) of this section and any public comments provided pursuant to section 3(a) of this order, if the Secretary of State finds that issuance of a permit to the applicant would not serve the national interest, the Secretary shall notify the officials required to be consulted under paragraph (b)(ii) of this section of the proposed determination that the application be denied.

(i) The Secretary of State shall issue or deny the permit in accordance with the proposed determination unless, within 15 days after notification pursuant to paragraphs (g) or (h) of this section, an official required to be consulted under paragraph (b)(ii) of this section shall notify the Secretary of State that he or she disagrees with the Secretary's proposed determination and requests the Secretary to refer the application to the President. In the event of such a request, the Secretary of State shall consult with any such requesting official and, if necessary, shall refer the application, together with statements of the views of any official involved, to the President for consideration and a final decision.

Sec. 2. (a) Section 1(a) of Executive Order 11423, as amended, is amended to read as follows: ''Except with respect to facilities covered by Executive Order Nos. 10485 and 10530, and by section 1(a) of the Executive Order of April 30, 2004, entitled ''Issuance of Permits with Respect to Certain Energy-Related Facilities and Land Transportation Crossings on the International Boundaries of the United States'' (the order of April 30, 2004), the Secretary of State is hereby designated and empowered to receive all applications for Presidential permits for the construction, connection, operation, or maintenance, at the borders of the United States, of:

(i) pipelines, conveyor belts, and similar facilities for the exportation or importation of all products, except those specified in section 1(a) of the order of April 30, 2004, to or from a foreign country;

(ii) facilities for the exportation or importation of water or sewage to or from a foreign country;

(iii) facilities for the transportation of persons or things, or both, to or from a foreign country;

(iv) bridges, to the extent that congressional authorization is not required;

(v) similar facilities above or below ground; and

(vi) border crossings for land transportation, including motor and rail vehicles, to or from a foreign country, whether or not in conjunction with the facilities identified in (iii) above.

(b) Section 1(b) of Executive Order 11423, as amended, is amended by deleting the text ''(a)(iii), (iv), or (v)'' and by inserting the text ''(a)(iii), (iv), (v), or (vi)'' in lieu thereof.

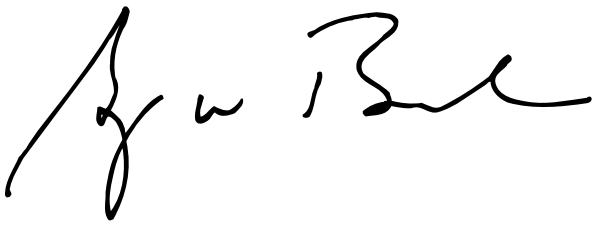
Sec. 3. (a) The Secretary of State may provide for the publication in the **Federal Register** of notice of receipt of applications, for the receipt of public comments on applications, and for notices related to the issuance or denial of applications.

(b) The Secretary of State is authorized to issue such further rules and regulations, and to prescribe such further procedures, including, but not limited to, those relating to the International Boundary and Water Commission, as may from time to time be deemed necessary or desirable for the exercise of the authority conferred by this order.

Sec. 4. All permits heretofore issued with respect to facilities described in section 2(a) of this order pursuant to Executive Order 11423, as amended, and in force at the time of issuance of this order, and all permits issued hereunder, shall remain in effect in accordance with their terms unless and until modified, amended, suspended, or revoked by the appropriate authority.

Sec. 5. Nothing contained in this order shall be construed to affect the authority of any department or agency of the United States Government, or to supersede or replace the requirements established under any other provision of law, or to relieve a person from any requirement to obtain authorization from any other department or agency of the United States Government in compliance with applicable laws and regulations subject to the jurisdiction of that department or agency.

Sec. 6. This order is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.



THE WHITE HOUSE,
April 30, 2004.

[FR Doc. 04–10378
Filed 5–4–04; 8:45 am]
Billing code 3195–01–P

Executive Order 13338

Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria

Signed: May 11, 2004

Federal Register page and date: 69 FR 26751, May 13, 2004

See: EO 13224, September 23, 2001

Federal Register

Thursday,
May 13, 2004

Part III

The President

Executive Order 13338—Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria

Federal Register
Vol. 69, No. 93
Thursday, May 13, 2004

Presidential Documents

Title 3—

The President

Executive Order 13338 of May 11, 2004

Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, Public Law 108–175 (SAA), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, hereby determine that the actions of the Government of Syria in supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction and missile programs, and undermining United States and international efforts with respect to the stabilization and reconstruction of Iraq constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and hereby declare a national emergency to deal with that threat. To address that threat, and to implement the SAA, I hereby order the following:

Section 1. (a) The Secretary of State shall not permit the exportation or reexportation to Syria of any item on the United States Munitions List (22 C.F.R. part 121).

(b) Except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to the provisions of this order in a manner consistent with the SAA, and notwithstanding any license, permit, or authorization granted prior to the effective date of this order, (i) the Secretary of Commerce shall not permit the exportation or reexportation to Syria of any item on the Commerce Control List (15 C.F.R. part 774); and (ii) with the exception of food and medicine, the Secretary of Commerce shall not permit the exportation or reexportation to Syria of any product of the United States not included in section 1(b)(i) of this order.

(c) No other agency of the United States Government shall permit the exportation or reexportation to Syria of any product of the United States, except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to this order in a manner consistent with the SAA, and notwithstanding any license, permit, or authorization granted prior to the effective date of this order.

Sec. 2. The Secretary of Transportation shall not permit any air carrier owned or controlled by Syria to provide foreign air transportation as defined in 49 U.S.C. 40102(a)(23), except that he may, to the extent consistent with Department of Transportation regulations, permit such carriers to charter aircraft to the Government of Syria for the transport of Syrian government officials to and from the United States on official Syrian government business. In addition, the Secretary of Transportation shall prohibit all takeoffs and landings in the United States, other than those associated with an emergency, by any such air carrier when engaged in scheduled international air services.

Sec. 3. (a) Except to the extent provided in section 203(b)(1), (3), and (4) of the IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), and the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106–387) (TSRA), or regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order,

all property and interests in property of the following persons, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: persons who are determined by the Secretary of the Treasury, in consultation with the Secretary of State,

(i) to be or to have been directing or otherwise significantly contributing to the Government of Syria's provision of safe haven to or other support for any person whose property or interests in property are blocked under United States law for terrorism-related reasons, including, but not limited to, Hamas, Hizballah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, the Popular Front for the Liberation of Palestine-General Command, and any persons designated pursuant to Executive Order 13224 of September 23, 2001;

(ii) to be or to have been directing or otherwise significantly contributing to the Government of Syria's military or security presence in Lebanon;

(iii) to be or to have been directing or otherwise significantly contributing to the Government of Syria's pursuit of the development and production of chemical, biological, or nuclear weapons and medium- and long-range surface-to-surface missiles;

(iv) to be or to have been directing or otherwise significantly contributing to any steps taken by the Government of Syria to undermine United States and international efforts with respect to the stabilization and reconstruction of Iraq; or

(v) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property or interests in property are blocked pursuant to this order.

(b) The prohibitions in paragraph (a) of this section include, but are not limited to, (i) the making of any contribution of funds, goods, or services by, to, or for the benefit of any person whose property or interests in property are blocked pursuant to this order; and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 4. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate the prohibitions set forth in this order is prohibited.

Sec. 5. I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of the IEEPA (50 U.S.C. 1702(b)(2)) would seriously impair the ability to deal with the national emergency declared in this order, and hereby prohibit, (i) the exportation or reexportation of such donated articles to Syria as provided in section 1(b) of this order; and (ii) the making of such donations by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 3 of this order.

Sec. 6. For purposes of this order:

(a) the term "person'' means an individual or entity;

(b) the term "entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term "United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States;

(d) the term "Government of Syria'' means the Government of the Syrian Arab Republic, its agencies, instrumentalities, and controlled entities; and

(e) the term "product of the United States'' means: for the purposes of subsection 1(b), any item subject to the Export Administration Regulations (15 C.F.R. parts 730–774); and for the purposes of subsection 1(c), any item subject to the export licensing jurisdiction of any other United States Government agency.

Sec. 7. With respect to the prohibitions contained in section 1 of this order, consistent with subsection 5(b) of the SAA, I hereby determine that it is in the national security interest of the United States to waive, and hereby waive application of subsection 5(a)(1) and subsection 5(a)(2)(A) of the SAA so as to permit the exportation or reexportation of certain items as specified in the Department of Commerce's General Order No. 2 to Supplement No. 1, 15 C.F.R. part 736, as issued consistent with this order and as may be amended pursuant to the provisions of this order and in a manner consistent with the SAA. This waiver is made pursuant to the SAA only to the extent that regulation of such exports or reexports would not otherwise fall within my constitutional authority to conduct the Nation's foreign affairs and protect national security.

Sec. 8. With respect to the prohibitions contained in section 2 of this order, consistent with subsection 5(b) of the SAA, I hereby determine that it is in the national security interest of the United States to waive, and hereby waive, application of subsection 5(a)(2)(D) of the SAA insofar as it pertains to: aircraft of any air carrier owned or controlled by Syria chartered by the Syrian government for the transport of Syrian government officials to and from the United States on official Syrian government business, to the extent consistent with Department of Transportation regulations; takeoffs or landings for non-traffic stops of aircraft of any such air carrier that is not engaged in scheduled international air services; takeoffs and landings associated with an emergency; and overflights of United States territory.

Sec. 9. I hereby direct the Secretary of State to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out subsection 1(a) of this order. I hereby direct the Secretary of Commerce, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out subsection 1(b) of this order. I direct the Secretary of Transportation, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out section 2 of this order. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by the IEEPA as may be necessary to carry out sections 3, 4, and 5 of this order. The Secretaries of State, Commerce, Transportation, and the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. The Secretary of State, in consultation with the Secretaries of Commerce, Transportation, and the Treasury, as appropriate, is authorized to exercise the functions and authorities conferred upon the President in subsection 5(b) of the SAA and to redelegate these functions and authorities consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretaries of State, Commerce, Transportation, and the Treasury in a timely manner of the measures taken.

Sec. 10. This order is not intended to create, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

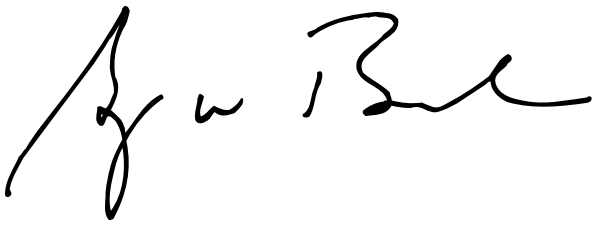
Sec. 11. For those persons whose property or interests in property are blocked pursuant to section 3 of this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures

to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 12. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to submit the recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA, 50 U.S.C. 1641(c), and section 204(c) of the IEEPA, 50 U.S.C. 1703(c).

Sec. 13. (a) This order is effective at 12:01 eastern daylight time on May 12, 2004.

(b) This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
May 11, 2004.

[FR Doc. 04–11058
Filed 5–12–04; 9:07 am]
BILLING CODE 3195–01–P

Executive Order 13339

Increasing Economic Opportunity and Business Participation of Asian Americans and Pacific Islanders

Signed: May 13, 2004

Federal Register page and date: 69 FR 28037, May 13, 2004

Federal Register

Monday,
May 17, 2004

Part V

The President

Executive Order 13339—Increasing Economic Opportunity and Business Participation of Asian Americans and Pacific Islanders

Federal Register
Vol. 69, No. 95
Monday, May 17, 2004

Presidential Documents

Title 3—

The President

Executive Order 13339 of May 13, 2004

Increasing Economic Opportunity and Business Participation of Asian Americans and Pacific Islanders

By the authority vested in me as President by the Constitution and the laws of the United States of America, and for the purpose of providing equal economic opportunities for full participation of Asian American and Pacific Islander businesses in our free market economy where they may be underserved and thus improving the quality of life for Asian Americans and Pacific Islanders, it is hereby ordered as follows:

Section 1. (a) There is established in the Department of Commerce the President's Advisory Commission on Asian Americans and Pacific Islanders (Commission). The Commission shall consist of not more than 15 members appointed by the President, one of whom shall be designated by the President as Chair. The Commission shall include members who: (i) have a history of involvement with the Asian American and Pacific Islander communities; (ii) are from the business enterprise sector; (iii) are from civic associations representing one or more of the diverse Asian American and Pacific Islander communities; (iv) are from the fields of economic, social, and community development; or (v) have such other experience as the President deems appropriate.

(b) The Secretary of Commerce (Secretary) shall designate an Executive Director for the Commission.

Sec. 2. The Commission shall provide advice to the President, through the Secretary, on:

(a) the development, monitoring, and coordination of executive branch efforts to improve the economic and community development of Asian American and Pacific Islander businesses through ensuring equal opportunity to participate in Federal programs, and public-sector, private-sector partnerships, and through the collection of data related to Asian American and Pacific Islander businesses; and

(b) ways to increase the business diversification of Asian Americans and Pacific Islanders, including ways to foster research and data on Asian American and Pacific Islander businesses including their level of participation in the national economy and their economic and community development.

Sec. 3. (a) The Secretary shall establish within the Department of Commerce an office known as the White House Initiative on Asian Americans and Pacific Islanders (Office). The Office shall provide support for the Commission and the interagency working group created in section 3(b) of this order.

(b) The Secretary shall also create an interagency working group (Working Group) whose activities shall be coordinated by the Department of Commerce. The Secretary shall designate the executive departments and agencies that shall serve on the Working Group (executive departments and agencies) and the heads of those departments and agencies shall select the officials that shall serve as their respective representatives on the Working Group. The Executive Director of the Commission shall also serve as the Director of the Office and the Working Group, and shall report to the Secretary or the Secretary's designee. The Director of the Working Group shall advise the Secretary or the Secretary's designee on efforts by the Federal Government to improve access to economic opportunities, through equal access to such opportunities, for Asian American and Pacific Islander businesses where

they may be underserved and thus to improve the quality of life of Asian Americans and Pacific Islanders.

Sec. 4. The head of each executive department and agency on the Working Group shall designate a senior Federal official responsible for management or program administration to report directly to the agency head on activities implementing this order and to serve as a liaison to, and representative on, the Working Group. The Secretary may designate additional Federal officials, with the concurrence of the head of the designated executive department or agency, to carry out functions of the Working Group. To the extent permitted by law and to the extent practicable, each designated executive department and agency shall provide appropriate information requested by the Working Group, including data relating to the eligibility for and participation of Asian American and Pacific Islander businesses in Federal programs. Where adequate data are not available, the Working Group shall suggest the means of collecting such data.

Sec. 5. Each designated executive department and agency shall prepare a plan for, and shall document, its efforts to support economic opportunities for Asian American and Pacific Islander businesses. This plan shall address, among other things, executive branch efforts to:

(a) increase participation in Federal programs for Asian American and Pacific Islander businesses through equal access to such programs;

(b) ensure nondiscrimination in Federal contracts and procurement opportunities;

(c) provide equal opportunity for public-sector, private-sector partnerships for the community and economic development of Asian American and Pacific Islander businesses; and

(d) foster research and data collection on Asian American and Pacific Islander businesses. Each plan shall be submitted through the working group and the Commission to the Secretary at a date to be established by the Secretary.

Sec. 6. The Secretary shall review the plans of the designated executive departments and agencies and develop for submission to the President for his approval an integrated Federal plan (Federal Plan) to increase the participation of Asian American and Pacific Islander businesses in executive branch programs through equal access to such programs where such organizations may be underserved. Actions described in the Federal Plan shall address improving access by Asian American and Pacific Islander businesses to Federal programs and fostering advances in relevant research and data as it pertains to community economic development. The Secretary shall disseminate the Federal Plan, to the extent the Plan is approved by the President, to appropriate members of the executive branch. The findings and recommendations in the Federal Plan shall be followed by the designated executive departments and agencies in their policies and activities, to the extent permitted by law and as practicable.

Sec. 7. Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the ''Act''), may apply to the administration of any portion of this order, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Secretary in accordance with the guidelines issued by the Administrator of General Services.

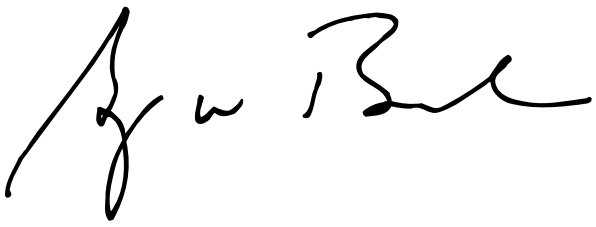
Sec. 8. Members of the Commission shall serve without compensation, but shall be allowed travel expenses, including *per diem* in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707). To the extent permitted by law and appropriations, and where practicable, executive departments and agencies shall, upon request by the Secretary, provide assistance to the Commission and to the Working Group, and the Department of Commerce shall provide administrative support and funding for the Commission.

Sec. 9. The Commission shall terminate 2 years from the date of this order, unless renewed by the President.

Sec. 10. For the purposes of this order, the term: (a) ''Asian'' includes persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent; and the term (b) ''Pacific Islander'' includes persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Sec. 11. The Secretary of Commerce shall consult the Attorney General as appropriate on the implementation of this order to ensure that such implementation affords the equal protection of the laws required by the due process clause of the Fifth Amendment to the Constitution.

Sec. 12. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.



THE WHITE HOUSE,
May 13, 2004.

[FR Doc. 04–11271
Filed 5–14–04; 10:17 am]
Billing code 3195–01–P

Executive Order 13340

Establishment of Great Lakes Interagency Task Force and Promotion of a Regional Collaboration of National Significance for the Great Lakes

Signed: May 18, 2004

Federal Register page and date: 69 FR 29043, May 20, 2004

Federal Register
Vol. 69, No. 98
Thursday, May 20, 2004

Presidential Documents

Title 3—

The President

Executive Order 13340 of May 18, 2004

Establishment of Great Lakes Interagency Task Force and Promotion of a Regional Collaboration of National Significance for the Great Lakes

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to help establish a regional collaboration of national significance for the Great Lakes, it is hereby ordered as follows:

Section 1. *Policy.* The Great Lakes are a national treasure constituting the largest freshwater system in the world. The United States and Canada have made great progress addressing past and current environmental impacts to the Great Lakes ecology. The Federal Government is committed to making progress on the many significant challenges that remain. Along with numerous State, tribal, and local programs, over 140 Federal programs help fund and implement environmental restoration and management activities throughout the Great Lakes system. A number of intergovernmental bodies are providing leadership in the region to address environmental and resource management issues in the Great Lakes system. These activities would benefit substantially from more systematic collaboration and better integration of effort. It is the policy of the Federal Government to support local and regional efforts to address environmental challenges and to encourage local citizen and community stewardship. To this end, the Federal Government will partner with the Great Lakes States, tribal and local governments, communities, and other interests to establish a regional collaboration to address nationally significant environmental and natural resource issues involving the Great Lakes. It is the further policy of the Federal Government that its executive departments and agencies will ensure that their programs are funding effective, coordinated, and environmentally sound activities in the Great Lakes system.

Sec. 2. *Definitions.* For purposes of this order:

(a) ''Great Lakes'' means Lake Ontario, Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, and Lake Superior, and the connecting channels (Saint Marys River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian Border).

(b) ''Great Lakes system'' means all the streams, rivers, lakes, and other bodies of water within the drainage basin of the Great Lakes.

Sec. 3. *Great Lakes Interagency Task Force.*

(a) Task Force Purpose. To further the policy described in section 1 of this order, there is established, within the Environmental Protection Agency for administrative purposes, the ''Great Lakes Interagency Task Force'' (Task Force) to:

(i) Help convene and establish a process for collaboration among the members of the Task Force and the members of the Working Group that is established in paragraph b(ii) of this section, with the Great Lakes States, local communities, tribes, regional bodies, and other interests in the Great Lakes region regarding policies, strategies, plans, programs, projects, activities, and priorities for the Great Lakes system.

(ii) Collaborate with Canada and its provinces and with bi-national bodies involved in the Great Lakes region regarding policies, strategies, projects, and priorities for the Great Lakes system.

(iii) Coordinate the development of consistent Federal policies, strategies, projects, and priorities for addressing the restoration and protection of the Great Lakes system and assisting in the appropriate management of the Great Lakes system.

(iv) Develop outcome-based goals for the Great Lakes system relying upon, among other things, existing data and science-based indicators of water quality and related environmental factors. These goals shall focus on outcomes such as cleaner water, sustainable fisheries, and biodiversity of the Great Lakes system and ensure that Federal policies, strategies, projects, and priorities support measurable results.

(v) Exchange information regarding policies, strategies, projects, and activities of the agencies represented on the Task Force related to the Great Lakes system.

(vi) Work to coordinate government action associated with the Great Lakes system.

(vii) Ensure coordinated Federal scientific and other research associated with the Great Lakes system.

(viii) Ensure coordinated government development and implementation of the Great Lakes portion of the Global Earth Observation System of Systems.

(ix) Provide assistance and support to agencies represented on the Task Force in their activities related to the Great Lakes system.

(x) Submit a report to the President by May 31, 2005, and thereafter as appropriate, that summarizes the activities of the Task Force and provides any recommendations that would, in the judgment of the Task Force, advance the policy set forth in section 1 of this order.

(b) Membership and Operation.

(i) The Task Force shall consist exclusively of the following officers of the United States: the Administrator of the Environmental Protection Agency (who shall chair the Task Force), the Secretary of State, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Secretary of Homeland Security, the Secretary of the Army, and the Chairman of the Council on Environmental Quality. A member of the Task Force may designate, to perform the Task Force functions of the member, any person who is part of the member's department, agency, or office and who is either an officer of the United States appointed by the President or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS–15 of the General Schedule. The Task Force shall report to the President through the Chairman of the Council on Environmental Quality.

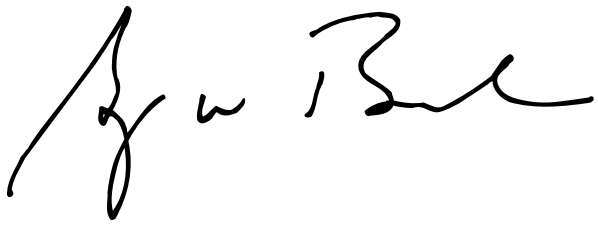
(ii) The Task Force shall establish a ''Great Lakes Regional Working Group'' (Working Group) composed of the appropriate regional administrator or director with programmatic responsibility for the Great Lakes system for each agency represented on the Task Force including: the Great Lakes National Program Office of the Environmental Protection Agency; the United States Fish and Wildlife Service, National Park Service, and United States Geological Survey within the Department of the Interior; the Natural Resources Conservation Service and the Forest Service of the Department of Agriculture; the National Oceanic and Atmospheric Administration of the Department of Commerce; the Department of Housing and Urban Development; the Department of Transportation; the Coast Guard within the Department of Homeland Security; and the Army Corps of Engineers within the Department of the Army. The Working Group will coordinate and make recommendations on how to implement the policies, strategies, projects, and priorities of the Task Force.

(c) Management Principles for Regional Collaboration of National Significance. To further the policy described in section 1, the Task Force shall recognize and apply key principles and foster conditions to ensure successful collaboration. To that end, the Environmental Protection Agency will coordinate the development of a set of principles of successful collaboration.

Sec. 4. *Great Lakes National Program Office.* The Great Lakes National Program Office of the Environmental Protection Agency shall assist the Task Force and the Working Group in the performance of their functions. The Great Lakes National Program Manager shall serve as chair of the Working Group.

Sec. 5. *Preservation of Authority.* Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, regulatory, and legislative proposals. Nothing in this order shall be construed to affect the statutory authority or obligations of any Federal agency or any bi-national agreement with Canada.

Sec. 6. *Judicial Review.* This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.



THE WHITE HOUSE,
May 18, 2004.

[FR Doc. 04–11592
Filed 5–19–04; 8:45 am]
Billing code 3195–01–P

Executive Order 13341

Further Amendment to Executive Order 11023, Providing for the Performance by the Secretary of Commerce of Certain Functions Relating to the National Oceanic and Atmospheric Administration

Signed: May 20, 2004

Federal Register page and date: 69 FR 29843, May 25, 2004

Federal Register

Tuesday,
May 25, 2004

Part IV

The President

Executive Order 13341—Further Amendment to Executive Order 11023, Providing for the Performance by the Secretary of Commerce of Certain Functions Relating to the National Oceanic and Atmospheric Administration

Federal Register
Vol. 69, No. 101
Tuesday, May 25, 2004

Presidential Documents

Title 3—

The President

Executive Order 13341 of May 20, 2004

Further Amendment to Executive Order 11023, Providing for the Performance by the Secretary of Commerce of Certain Functions Relating to the National Oceanic and Atmospheric Administration

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. As a result of the enactment of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (Public Law 107–372), the following conforming amendments are made to Executive Order 11023 of May 28, 1962, as amended:

(a) In section 1(a), delete ''section 6(b) of the Coast and Geodetic Survey Commissioned Officers Act of 1948 (62 Stat. 298; 33 U.S.C. 853e(b))'' and insert in lieu thereof: ''section 223(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (Public Law 107–372; 33 U.S.C. 3023(b))''.

(b) In section 1(b), delete ''section 12(a) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853j–1(a))'' and insert in lieu thereof: ''section 229(a) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (Public Law 107–372; 33 U.S.C. 3029(a))''.

(c) In section 1(c), delete ''section 12(b) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853j–1(b))'' and insert in lieu thereof: ''section 229(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (Public Law 107–372; 33 U.S.C. 3029(b))''.

(d) In section 1(d), delete ''section 12(c) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853j–1(c))'' and insert in lieu thereof: ''section 229(c) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (Public Law 107–372; 33 U.S.C. 3029(c))''.

(e) Section 1(e) shall be revised to read as follows: ''The authority vested in the President by section 243(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (Public Law 107–372; 33 U.S.C. 3043(b)), to defer the retirement of an officer of the National Oceanic and Atmospheric Administration serving in a rank above that of captain who has attained 62 years of age, but such a deferment may not extend beyond the first day of the month in which the officer becomes 64 years of age.''

(f) Section 1(f) shall be revised to read as follows: ''The authority vested in the President by section 244 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (Public Law 107–372; 33 U.S.C. 3044), to retire from the active service any commissioned officer of the National Oceanic and Atmospheric Administration, upon his own application, who has completed 20 years of active service, of which at least 10 years was service as a commissioned officer.''

(g) In section 1(g), delete ''section 23(a) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C.

853t(a))'' and insert in lieu thereof: ''section 221(a)(4) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (Public Law 107–372; 33 U.S.C. 3021(a)(4))''.

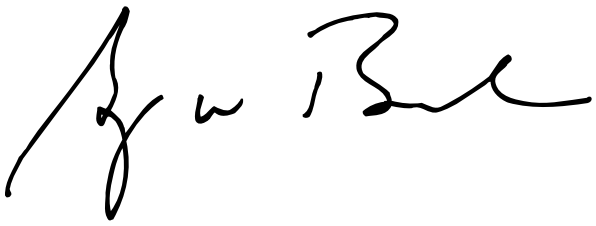
(h) In section 1(h), delete ''section 1(1) of the Act of December 3, 1942 (56 Stat. 1038; 33 U.S.C. 854a–1(1))'' and insert in lieu thereof: ''section 230(b)(1) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (Public Law 107–372; 33 U.S.C. 3030(b)(1))''.

(i) In section 1(i), delete ''section 1(2) of the Act of December 3, 1942 (56 Stat. 1038; 33 U.S.C. 854a–1(2))'' and insert in lieu thereof: ''section 230(b)(2) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (Public Law 107–372; 33 U.S.C. 3030(b)(2))''.

(j) Section 1(j) shall be revised to read as follows: ''The authority contained in section 230(b)(3) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (Public Law 107–372; 33 U.S.C. 3030(b)(3)), to appoint temporarily in all grades to which original appointments in the National Oceanic and Atmospheric Administration are authorized to fill vacancies caused by transfer of officers to the military departments.''

(k) In section 1(k), delete ''section 16 of the Act of May 22, 1917 (40 Stat. 87; 33 U.S.C. 855)'' and insert in lieu thereof: ''section 251 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (Public Law 107–372; 33 U.S.C. 3061)'', and delete the word ''personnel'' in the two places in which it appears and insert in lieu thereof: ''officers''.

Sec. 2. Section 1(m) is added to Executive Order 11023 to read as follows: ''(m) The authority vested in the President by Public Law 96–215, as amended (10 U.S.C. 716(a)), to transfer any commissioned officer with his consent from his uniformed service to, and appoint him in, the National Oceanic and Atmospheric Administration, provided consent for the transfer is given by the Secretary of Defense, the Secretary of Homeland Security, or the Secretary of Health and Human Services, as applicable, in accordance with joint regulations issued under that statute establishing the policies and procedures for such transfers and appointments.''



THE WHITE HOUSE,
May 20, 2004.

[FR Doc. 04–11991
Filed 5–24–04; 10:09 am]
Billing code 3195–01–P

Executive Order 13342

Responsibility of the Departments of Commerce and Veterans Affairs and the Small Business Administration With Respect to Faith-Based andCommunity Initiatives

Signed: June 1, 2004

Federal Register page and date: 69 FR 31509, June 3, 2004

Federal Register

Thursday,
June 3, 2004

Part IV

The President

Executive Order 13342—Responsibilities of the Departments of Commerce and Veterans Affairs and the Small Business Administration With Respect to Faith-Based and Community Initiatives

Federal Register
Vol. 69, No. 107
Thursday, June 3, 2004

Presidential Documents

Title 3—

The President

Executive Order 13342 of June 1, 2004

Responsibilities of the Departments of Commerce and Veterans Affairs and the Small Business Administration With Respect to Faith-Based and Community Initiatives

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to help the Federal Government coordinate a national effort to expand opportunities for faith-based and other community organizations and to strengthen their capacity to better meet America's social and community needs, it is hereby ordered as follows:

Section 1. *Establishment of Centers for Faith-Based and Community Initiatives at the Departments of Commerce and Veterans Affairs and the Small Business Administration.*

(a) The Secretaries of Commerce and Veterans Affairs and the Administrator of the Small Business Administration shall each establish within their respective agencies a Center for Faith-Based and Community Initiatives (Center).

(b) Each of these Centers shall be supervised by a Director, appointed by the agency head in consultation with the White House Office of Faith-Based and Community Initiatives (White House OFBCI).

(c) Each agency shall provide its Center with appropriate staff, administrative support, and other resources to meet its responsibilities under this order.

(d) Each Center shall begin operations no later than 45 days from the date of this order.

Sec. 2. *Purpose of Executive Branch Centers for Faith-Based and Community Initiatives.* The purpose of the agency Centers will be to coordinate agency efforts to eliminate regulatory, contracting, and other programmatic obstacles to the participation of faith-based and other community organizations in the provision of social and community services.

Sec. 3. *Responsibilities of the Centers for Faith-Based and Community Initiatives.* Each Center shall, to the extent permitted by law:

(a) conduct, in coordination with the White House OFBCI, an agency-wide audit to identify all existing barriers to the participation of faith-based and other community organizations in the delivery of social and community services by the agency, including but not limited to regulations, rules, orders, procurement, and other internal policies and practices, and outreach activities that either facially discriminate against or otherwise discourage or disadvantage the participation of faith-based and other community organizations in Federal programs;

(b) coordinate a comprehensive agency effort to incorporate faith-based and other community organizations in agency programs and initiatives to the greatest extent possible;

(c) propose initiatives to remove barriers identified pursuant to section 3(a) of this order, including but not limited to reform of regulations, procurement, and other internal policies and practices, and outreach activities;

(d) propose the development of innovative pilot and demonstration programs to increase the participation of faith-based and other community organizations in Federal as well as State and local initiatives; and

(e) develop and coordinate agency outreach efforts to disseminate information more effectively to faith-based and other community organizations with respect to programming changes, contracting opportunities, and other agency initiatives, including but not limited to Web and Internet resources.

Sec. 4. *Reporting Requirements.* (a) *Report.* Not later than 180 days from the date of this order and annually thereafter, each of the three Centers described in section 1 of this order shall prepare and submit a report to the President through the White House OFBCI.

(b) *Contents.* The report shall include a description of the agency's efforts in carrying out its responsibilities under this order, including but not limited to:

(i) a comprehensive analysis of the barriers to the full participation of faith-based and other community organizations in the delivery of social and community services identified pursuant to section 3(a) of this order and the proposed strategies to eliminate those barriers; and

(ii) a summary of the technical assistance and other information that will be available to faith-based and other community organizations regarding the program activities of the agency and the preparation of applications or proposals for grants, cooperative agreements, contracts, and procurement.

(c) *Performance Indicators.* The first report, filed pursuant to section 4(a) of this order, shall include annual performance indicators and measurable objectives for agency action. Each report filed thereafter shall measure the agency's performance against the objectives set forth in the initial report.

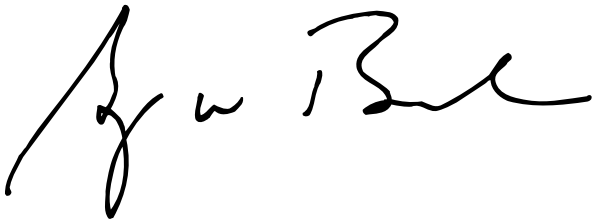
Sec. 5. *Responsibilities of the Secretaries of Commerce and Veterans Affairs and the Administrator of the Small Business Administration.* The Secretaries and the Administrator shall:

(a) designate an employee within their respective agencies to serve as the liaison and point of contact with the White House OFBCI; and

(b) cooperate with the White House OFBCI and provide such information, support, and assistance to the White House OFBCI as it may request, to the extent permitted by law.

Sec. 6. *Administration and Judicial Review.* (a) The agency actions directed by this executive order shall be carried out subject to the availability of appropriations and to the extent permitted by law.

(b) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers, employees or agents, or any other person.



THE WHITE HOUSE,
June 1, 2004.

[FR Doc. 04–12745
Filed 6–2–04; 9:10 am]
Billing code 3195–01–P

Executive Order 13343
Providing for the Closing of Government Departments and Agencies on June 11, 2004

Signed: June 6, 2004
Federal Register page and date: 69 FR 32245, June 8, 2004
See: EO 11582, February 11, 1971

Presidential Documents

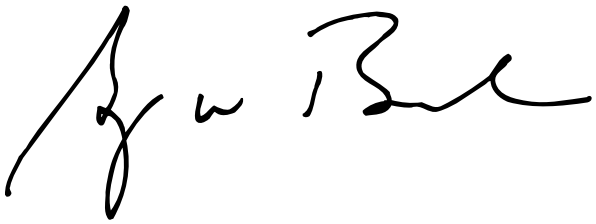
Executive Order 13343 of June 6, 2004

Providing for the Closing of Government Departments and Agencies on June 11, 2004

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered as follows:

Section 1. All executive departments, independent establishments, and other governmental agencies shall be closed on June 11, 2004, as a mark of respect for Ronald Reagan, the fortieth President of the United States. That day shall be considered as falling within the scope of Executive Order 11582 of February 11, 1971, and of 5 U.S.C. 5546 and 6103(b) and other similar statutes insofar as they relate to the pay and leave of employees of the United States.

Sec. 2. The first sentence of section 1 of this order shall not apply to those offices and installations, or parts thereof, in the Department of State, the Department of Defense, the Department of Justice, the Department of Homeland Security, or other departments, independent establishments, and governmental agencies that the heads thereof determine should remain open for reasons of national security or defense or other essential public business.



THE WHITE HOUSE,
June 6, 2004.

[FR Doc. 04–13123
Filed 6–7–04; 12:02 pm]
Billing code 3195–01–P

Executive Order 13344

Amending Executive Order 13261 on the Order of Succession in the Environmental Protection Agency

Signed: July 7, 2004

Federal Register page and date: 69 FR 41747, July 9, 2004

See: EO 11582, February 11, 1971

Federal Register

Friday,
July 9, 2004

Part VI

The President

Executive Order 13344—Amending Executive Order 13261 on the Order of Succession in the Environmental Protection Agency

Federal Register
Vol. 69, No. 131
Friday, July 9, 2004

Presidential Documents

Title 3—

The President

Executive Order 13344 of July 7, 2004

Amending Executive Order 13261 on the Order of Succession in the Environmental Protection Agency

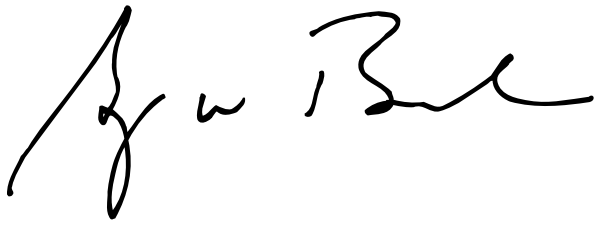
By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345, *et seq.*, it is hereby ordered that Executive Order 13261 of March 19, 2002, is amended as follows:

Section 1. In section 2, subsections (a), (b), and (c) are deleted and replaced with the following new subsections (a), (b), and (c):

(a) Assistant Administrator, Office of Solid Waste;

(b) Assistant Administrator for Toxic Substances;

(c) Assistant Administrator (Air and Radiation).



THE WHITE HOUSE,
July 7, 2004.

[FR Doc. 04–15787
Filed 7–8–04; 9:42 am]
Billing code 3195–01–P

Executive Order 13345

Assigning Foreign Affairs Functions and Implementing the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act

Signed: July 8, 2004

Federal Register page and date: 69 FR 41901, July 13, 2004

See: EO 11269, February 14, 1966

Revokes: EO 12757, March 19, 1991; EO 12823, December 3, 1992; EO 13028, December 3, 1996; EO 13131, July 22, 1999

Federal Register
Vol. 69, No. 133
Tuesday, July 13, 2004

Presidential Documents

Title 3—

The President

Executive Order 13345 of July 8, 2004

Assigning Foreign Affairs Functions and Implementing the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Agricultural Trade Development and Assistance Act of 1954 (ATDA Act), as amended, the Foreign Assistance Act of 1961 (Foreign Assistance Act), as amended, and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. *Functions to be Performed by the Secretary of the Treasury.* (a) The Secretary of the Treasury is hereby designated to perform the functions of the President under the following provisions of law:

(1) sections 603(b), 604(a), and 611 of the ATDA Act (7 U.S.C. 1738b(b), 1738c(a), and 1738j); and

(2) sections 703, 704(a), 805(b), 806(a), 807(a), 808(a), and 812 of the Foreign Assistance Act (22 U.S.C. 2430b, 2430c(a), 2431c(b), 2431d(a), 2431e(a), 2431f(a), and 2431j).

(b) The Secretary of the Treasury shall:

(1)(A) make determinations under the provisions of sections 703(b) and 805(b) of the Foreign Assistance Act in accordance with any recommendations received from the Secretary of State with respect to subsections 703(a)(1)–703(a)(4) and the corresponding recommendations under section 805(a)(1) of that Act; and

(B) make determinations under the provisions of section 805(b) of the Foreign Assistance Act in accordance with any recommendations from the Administrator of the United States Agency for International Development (USAID) with respect to section 803(5)(B) of that Act;

(2) exercise the functions under the provisions listed in section 1(a)(1) of this order in consultation with the Secretary of State and with the National Advisory Council on International Monetary and Financial Policies (Council) established by Executive Order 11269 of February 14, 1966;

(3) consult, as appropriate, with the Secretary of State, the Administrator of USAID, the Council, the Secretary of Agriculture, the Director of the Office of Management and Budget, the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, the Director of the Office of National Drug Control Policy, and the Chairman of the Council of Economic Advisers in the performance of all other functions under the provisions listed in section 1(a) of this order.

Sec. 2. *Functions to be Performed by the Secretary of State.* (a) The Secretary of State is hereby designated to perform the functions of the President under sections 607 and 614 of the ATDA Act (7 U.S.C. 1738f and 1738m) and section 813(a) of the Foreign Assistance Act (22 U.S.C. 2431k).

(b) The Secretary of State shall consult, as appropriate, with the Secretary of the Treasury and the Administrator of USAID, in the performance of functions under the provisions listed in subsection 2(a) of this order.

(c) The Secretary of State shall consult, as appropriate, in the performance of functions under section 607 of the ATDA Act, with the Secretary of Agriculture, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental

Quality, and the heads of such other executive departments and agencies as the Secretary of State determines appropriate.

(d) The Secretary of State is hereby designated to receive advice or supplemental views on the President's behalf consistent with the following provisions of law:

(1) section 610(c)(1) of the ATDA Act (7 U.S.C. 1738i(c)(1)); and

(2) section 813(b) of the Foreign Assistance Act (22 U.S.C. 2431k).

Sec. 3. *Recommendation by USAID.* The Administrator of USAID shall make recommendations with respect to 803(5)(B) of the Foreign Assistance Act (22 U.S.C. 2431a(5)(B), in cooperation with the Secretary of Agriculture and the Secretary of State.

Sec. 4. *Government Appointees to the Enterprise for the Americas Board.* (a) Pursuant to section 610(b)(1)(A) of the ATDA Act (7 U.S.C. 1738i(b)(1)(A) and section 811(b)(1)(A) and (b)(2) of the Foreign Assistance Act (22 U.S.C. 2431i(b)(1)(A) and (b)(2)), the following officers or employees of the United States are hereby designated to serve as representatives on the Enterprise for the Americas Board:

(i) the designee of the Secretary of State, who shall be the chairperson of the Board;

(ii) the designee of the Secretary of the Treasury;

(iii) two designees of the Secretary of Agriculture, one of whom shall be an officer or employee of the United States Forest Service International Programs Office with experience in international forestry matters, and the other shall be an officer or employee of the Foreign Agricultural Service;

(iv) the designee of the Secretary of the Interior;

(v) the designee of the Administrator of the Environmental Protection Agency;

(vi) the designee of the Administrator of USAID, who shall be the vice chairperson of the Board; and

(vii) the designee of the Chairman of the Council on Environmental Quality.

(b) The Board shall permit the following officers or employees of the United States to attend and observe a Board meeting:

(i) a designee of the Secretary of Commerce; and

(ii) a designee of the head of any executive department or agency, if the meeting will relate to matters relevant to the activities of such executive department or agency.

(c) An officer of the United States listed in subsections 4(a) and 4(b) shall make a designation for purposes of those subsections in writing submitted to the Secretary of State and shall change any such designation in the same manner. The authority to make such a designation may not be delegated.

(d) The Secretary of State may, after consultation with the officers of the United States listed in subsection 4(b) and the Attorney General, as appropriate, establish such procedures as may be necessary to provide for the governance and administration of the Board.

Sec. 5. *Guidance for the Performance of Functions.* In performing functions under this order, officers of the United States:

(a) shall ensure that all actions taken by them are consistent with the President's constitutional authority to (i) conduct the foreign affairs of the United States, including the commencement, conduct, and termination of negotiations with foreign countries and international organizations, (ii) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties, (iii) recommend for congressional consideration such measures as the President may judge necessary or expedient, and (iv) supervise the unitary executive branch;

(b) may further assign functions assigned by this order to officers of any department or agency within the executive branch to the extent permitted by law except as provided in subsection 4(c) of this order and such further assignment shall be published in the **Federal Register**; and

(c) shall consult the Attorney General as appropriate in implementing this section.

Sec. 6. *Revocation of Executive Orders.* The following Executive Orders are hereby revoked:

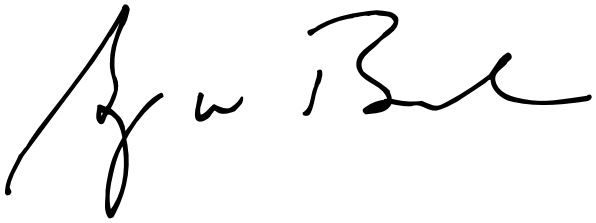
(a) Executive Order 12757 of March 19, 1991;

(b) Executive Order 12823 of December 3, 1992;

(c) Executive Order 13028 of December 3, 1996; and

(d) Executive Order 13131 of July 22, 1999.

Sec. 7. *Judicial Review.* This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.



THE WHITE HOUSE,
July 8, 2004.

[FR Doc. 04–15933
Filed 7–12–04; 8:45 am]
Billing code 3195–01–P

Executive Order 13346

Delegation of Certain Waiver, Determination, Certification, Recommendation, and Reporting Functions

Signed: July 8, 2004

Federal Register page and date: 69 FR 41905, July 13, 2004

Amends: EO 12163, September 29, 1979; EO 13277, November 19, 2002

Presidential Documents

Executive Order 13346 of July 8, 2004

Delegation of Certain Waiver, Determination, Certification, Recommendation, and Reporting Functions

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. The functions of the President in making certain waivers, determinations, certifications, recommendations, and reports to the Congress are assigned as follows:

(a) The Secretary of State is authorized to make waivers, determinations, certifications, and recommendations, and to undertake related reporting, as described in:

(i) Section 402(d)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2432(d)(1)), with respect to the extension of Jackson-Vanik waivers;

(ii) Section 609 of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) as continued in effect by section 612 of Division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199) with respect to cooperation related to persons missing in action and prisoners of war; and

(iii) Section 102(a)(2) of the Arms Export Control Act, as amended (22 U.S.C. 2799aa–1(a)), with respect to any Presidential determination under section 102(a)(1) that is also the subject of a determination and certification by the President pursuant to section 102(a)(2).

(b) The United States Trade Representative shall submit the report relating to sub-Saharan Africa under section 106 of the African Growth and Opportunity Act (Public Law 106–200, title 1).

Sec. 2. The functions of the President in making certifications to the Congress consistent with the resolution of advice and consent to ratification of the Chemical Weapons Convention adopted by the Senate on April 24, 1997 (Resolution) are assigned as follows:

(a) The Secretary of State is authorized to make a certification consistent with section 2(7)(C)(i) of the Resolution with respect to the effectiveness and viability of the Australia Group.

(b) The Secretary of Commerce is authorized to make a certification consistent with section 2(9) of the Resolution with respect to the interests of certain firms in the United States.

Sec. 3. Executive Order 12163 of September 29, 1979, as amended, is further amended, in section 1–100(a), by striking the period at the end of paragraph (12) and inserting a semicolon, and by inserting the following new paragraphs:

''(13) title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115), under the heading ''Assistance for the Independent States of the Former Soviet Union,'' in subsections (g)(4) and (6);'';

''(14) section 512 of Division D of the Consolidated Appropriations Act, 2004 (Public Law 108–199);'';

''(15) sections 5(c) and 6 of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415), as amended.''.

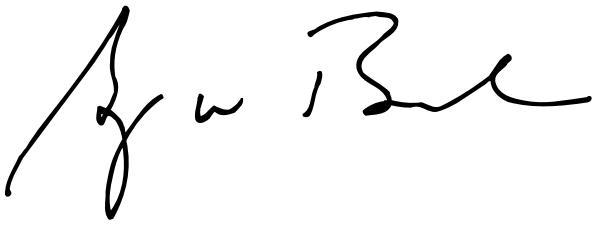
Sec. 4. Executive Order 13277 of November 19, 2002, is amended in section 1(b)(3) by adding after the phrase ''Section 2105(a)(1)'' the terms ''(A) and (C)''.

Sec. 5. References in this order to provisions of any Act shall be deemed to include references to any provision of law that is the same or substantially the same as such provisions.

Sec. 6. In carrying out sections 1 and 2 of this order, officers of the United States shall ensure that all actions taken by them are consistent with the President's constitutional authority to: (a) conduct the foreign affairs of the United States; (b) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties; (c) recommend for congressional consideration such measures as the President may judge necessary and expedient; and (d) supervise the unitary executive branch.

Sec. 7. Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

Sec. 8. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.



THE WHITE HOUSE,
July 8, 2004.

[FR Doc. 04–15934
Filed 7–12–04; 8:45 am]
Billing code 3195–01–P

Executive Order 13347
Individuals With Disabilities in Emergency Preparedness

Signed: July 22, 2004
Federal Register page and date: 69 FR 44573, July 26, 2004

Federal Register

Monday,
July 26, 2004

Part II

The President

Executive Order 13347—Individuals With Disabilities in Emergency Preparedness

Federal Register
Vol. 69, No. 142
Monday, July 26, 2004

Presidential Documents

Title 3—

The President

Executive Order 13347 of July 22, 2004

Individuals With Disabilities in Emergency Preparedness

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to strengthen emergency preparedness with respect to individuals with disabilities, it is hereby ordered as follows:

Section 1. *Policy.* To ensure that the Federal Government appropriately supports safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism, it shall be the policy of the United States that executive departments and agencies of the Federal Government (agencies):

(a) consider, in their emergency preparedness planning, the unique needs of agency employees with disabilities and individuals with disabilities whom the agency serves;

(b) encourage, including through the provision of technical assistance, as appropriate, consideration of the unique needs of employees and individuals with disabilities served by State, local, and tribal governments and private organizations and individuals in emergency preparedness planning; and

(c) facilitate cooperation among Federal, State, local, and tribal governments and private organizations and individuals in the implementation of emergency preparedness plans as they relate to individuals with disabilities.

Sec. 2. *Establishment of Council.* (a) There is hereby established, within the Department of Homeland Security for administrative purposes, the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities (the "Council''). The Council shall consist exclusively of the following members or their designees:

(i) the heads of executive departments, the Administrator of the Environmental Protection Agency, the Administrator of General Services, the Director of the Office of Personnel Management, and the Commissioner of Social Security; and

(ii) any other agency head as the Secretary of Homeland Security may, with the concurrence of the agency head, designate.

(b) The Secretary of Homeland Security shall chair the Council, convene and preside at its meetings, determine its agenda, direct its work, and, as appropriate to particular subject matters, establish and direct subgroups of the Council, which shall consist exclusively of Council members.

(c) A member of the Council may designate, to perform the Council functions of the member, an employee of the member's department or agency who is either an officer of the United States appointed by the President, or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS–15 of the General Schedule.

Sec. 3. *Functions of Council.* (a) The Council shall:

(i) coordinate implementation by agencies of the policy set forth in section 1 of this order;

(ii) whenever the Council obtains in the performance of its functions information or advice from any individual who is not a full-time or permanent part-time Federal employee, obtain such information and advice only in a manner that seeks individual advice and does not involve collective judgment or consensus advice or deliberation; and

(iii) at the request of any agency head (or the agency head's designee under section 2(c) of this order) who is a member of the Council, unless the Secretary of Homeland Security declines the request, promptly review and provide advice, for the purpose of furthering the policy set forth in section 1, on a proposed action by that agency.

(b) The Council shall submit to the President each year beginning 1 year after the date of this order, through the Assistant to the President for Homeland Security, a report that describes:

(i) the achievements of the Council in implementing the policy set forth in section 1;

(ii) the best practices among Federal, State, local, and tribal governments and private organizations and individuals for emergency preparedness planning with respect to individuals with disabilities; and

(iii) recommendations of the Council for advancing the policy set forth in section 1.

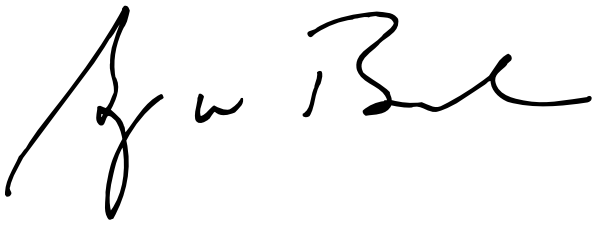
Sec. 4. *General.* (a) To the extent permitted by law:

(i) agencies shall assist and provide information to the Council for the performance of its functions under this order; and

(ii) the Department of Homeland Security shall provide funding and administrative support for the Council.

(b) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(c) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.



THE WHITE HOUSE,
July 22, 2004.

[FR Doc. 04–17150
Filed 7–23–04; 11:37 am]
Billing code 3195–01–P

Executive Order 13348

Blocking Property of Certain Persons and Prohibiting the Importation of Certain Goods from Liberia

Signed: July 22, 2004

Federal Register page and date: 69 FR 44885, July 27, 2004

Federal Register

Tuesday,
July 27, 2004

Part IV

The President

Exeuctive Order 13348—Blocking Property of Certain Persons and Prohibiting the Importation of Certain Goods from Liberia

Executive Order 13349—Amending Executive Order 13226 To Designate the President's Council of Advisors on Science and Technology To Serve as the National Nanotechnology Advisory Panel

Federal Register
Vol. 69, No. 143
Tuesday, July 27, 2004

Presidential Documents

Title 3—

The President

Executive Order 13348 of July 22, 2004

Blocking Property of Certain Persons and Prohibiting the Importation of Certain Goods from Liberia

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolutions 1521 of December 22, 2003, and 1532 of March 12, 2004,

I, GEORGE W. BUSH, President of the United States of America, note that the actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, have undermined Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. I further note that the Comprehensive Peace Agreement signed on August 18, 2003, and the related ceasefire have not yet been universally implemented throughout Liberia, and that the illicit trade in round logs and timber products is linked to the proliferation of and trafficking in illegal arms, which perpetuate the Liberian conflict and fuel and exacerbate other conflicts throughout West Africa. I find that the actions, policies, and circumstances described above constitute an unusual and extraordinary threat to the foreign policy of the United States and hereby declare a national emergency to deal with that threat. To address that threat, I hereby order:

Section 1. (a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), or regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(i) the persons listed in the Annex to this order; and

(ii) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(A) to be or have been an immediate family member of Charles Taylor;

(B) to have been a senior official of the former Liberian regime headed by Charles Taylor or otherwise to have been or be a close ally or associate of Charles Taylor or the former Liberian regime;

(C) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the unlawful depletion of Liberian resources, the removal of Liberian resources from that country, and the secreting of Liberian funds and property by any person whose property and interests in property are blocked pursuant to this order; or

(D) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

(b) I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of, any person whose property or interests in property are blocked pursuant to paragraph (a) of this section would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by paragraph (a) of this section.

(c) The prohibitions in paragraph (a) of this section include, but are not limited to,

(i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of, any person whose property or interests in property are blocked pursuant to this order, and

(ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 2. Except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, the direct or indirect importation into the United States of any round log or timber product originating in Liberia is prohibited.

Sec. 3. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 4. For purposes of this order: (a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term ''round log or timber product'' means any product classifiable in Chapter 44 of the Harmonized Tariff Schedule of the United States.

Sec. 5. For those persons whose property and interests in property are blocked pursuant to section 1 of this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

Sec. 6. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government, consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

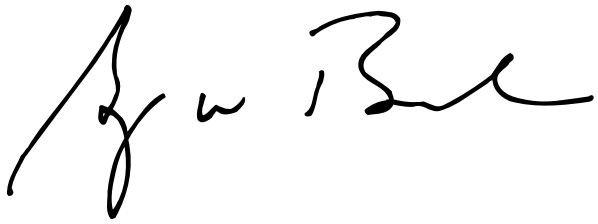
Sec. 7. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to submit the recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of NEA, 50 U.S.C. 1641(c), and section 204(c) of IEEPA, 50 U.S.C. 1703(c).

Sec. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant the inclusion of a person in the Annex to this order and that the property and interests in property of that person are therefore no longer blocked pursuant to section 1 of this order.

Sec. 9. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

Sec. 10. This order is effective at 12:01 a.m. eastern daylight time on July 23, 2004.

Sec. 11. This order shall be transmitted to the Congress and published in the *Federal Register*.



THE WHITE HOUSE,

July 22, 2004.

Billing code 3195–01–P

ANNEX

1. ALLEN, Cyril
DOB: 26 JUL 1952
Former Chairman, National Patriotic Party; nationality Liberian; alt. nationality Nigerian

2. BOUT, Viktor Anatolijevitch
aka BUTT
aka BONT
aka BUTTE
aka BOUTOV
aka SERGITOV, Vitali
DOB: 13 JAN 1967; alt. DOB: 13 JAN 1970
Businessman, dealer and transporter of weapons and minerals; Passport No. 21N0532664; alt. Passport No. 29N0006765; alt. Passport No. 21N0557148; alt. Passport No. 44N3570350

3. BRIGHT, Charles R.
DOB: 29 AUG 1948
Former Minister of Finance

4. CISSE, M. Moussa
aka KAMARA, Mamadee
DOB: 24 DEC 1946; alt. DOB: 26 JUN 1944
Former Chief of Presidential Protocol; Chairman, Mohammed Group of Companies; Diplomatic Passport No. D-001548-99 <Liberia>; Passport No. 0058070 <Liberia>

5. COOPER, Randolph
DOB: 28 OCT 1950
Former Managing Director, Roberts Intl. Airport

6. DARRAH, Kaddieyatu
aka DARAH, Kadiyatu
aka DARA, Kaddieyatu
aka DARA, Kadiyatu
Special Assistant to Charles Taylor

7. DUNBAR, Belle Y.
DOB: 27 OCT 1967; alt. DOB: 27 OCT 1963
Former Managing Director, Liberian Petroleum Refining Company

8. DUNBAR, Jenkins
DOB: 10 JAN 1947
Former Minister of Lands, Mines, Energy

9. FAWAS, Abbas
President, Maryland Wood Processing Industries; President, United Logging Company; nationality Lebanese

10. GIBSON, Myrtle
DOB: 03 NOV 1952
Former Senator; advisor to Charles Taylor

11. GOODRIDGE, Reginald B. (Senior)
aka GOODRICH, Reginald B. (Senior)
DOB: 11 NOV 1952
Former Minister for Culture, Information, Tourism

12. JOBE, Baba
Director, Gambia New Millenium Air Company; Member of Parliament of Gambia; nationality Gambian

13. KIIA TAI, Joseph Wong
Executive, Oriental Timber Company

14. KLEILAT, Ali
DOB: 10 JUL 1970; POB: Beirut, Lebanon; nationality Lebanese
Businessman

15. KOUWENHOVEN, Gus
aka KOUVENHOVEN, Gus
aka KOUENHOVEN, Gus
aka KOUENHAVEN, Gus
DOB: 15 SEP 1942; nationality Dutch
President, Oriental Timber Company; Owner, Hotel Africa;
Villa # 1, Hotel Africa Virginia, Monrovia, Liberia
P.O. Box 1522, Monrovia, Liberia

16. MININ, Leonid
aka BLAVSTEIN
aka BLYUVSHTEIN
aka BLYAFSHTEIN
aka BLUVSHTEIN
aka BLYUFSHTEIN
aka KERLER, Vladimir Abramovich
aka POPILOVESKI, Vladimir Abramovich
aka POPELAVESKI, Vladimir Abramovich
aka POPELOVESKI, Vladimir Abramovich
aka POPELA, Vladimir Abramovich
aka POPELO, Vladimir Abramovich
aka BRESLAN, Wolf
aka BRESLAN, Wulf
aka OSOLS, Igor
DOB: 14 DEC 1947; alt. DOB: 18 OCT 1946; Owner, Exotic Tropical Timber Enterprise; nationality Ukrainian; Passport No. 5280007248D <Germany>; alt. Passport No. 18106739D <Germany>; Passport No. 6019832 (6/11/94-5/11/99) <Israel>; alt. Passport No. 9001689 (23/1/97-22/1/02) <Israel>; alt. Passport No. 90109052 (26/11/97) <Israel>; Passport No. KI0861177 <Russia>; Passport No. 65118 <Bolivia>

17. NASR, Samir M.
aka RUPRAH, Sanjivan
DOB: 09 AUG 1966
Businessman; Former Deputy Commissioner, Bureau of Maritime Affairs; Passport No. D-001829-00 <Liberia>; nationality Kenyan

18. NEAL, Juanita
DOB: 09 MAY 1947
Former Deputy Minister of Finance

19. SALAMI, Mohamed Ahmad
aka SALAME, Mohamed Ahmad
DOB: 22 SEP 1961
Owner, Mohamed Group of Companies; Taylor's informal diplomatic representative; nationality Lebanese

20. SANKOH, Foday
Deceased

21. SHAW, Emmanuel (II)
DOB: 26 JUL 1946; alt. DOB: 26 JUL 1956; alt. DOB: 29 JUL 1956
Advisor to Charles Taylor

22. TAYLOR, Charles Ghankay
aka TAYLOR, Charles MacArthur
aka SOME, Jean-Paul
aka SONE, Jean-Paul
DOB: 01 SEP 1947
Former President of Liberia

23. TAYLOR, Charles (Junior)
aka "Chuckie"
DOB: 12 FEB 1978
Advisor and son of former President Taylor

24. TAYLOR, Tupee Enid
DOB: 17 DEC 1962
Ex-wife of former President Taylor

25. REEVES-TAYLOR, Agnes
aka TAYLOR, Agnes Reeves
aka REEVES-TAYLOR
DOB: 27 SEP 1965
Ex-wife of former President Taylor; ex-Permanent Representative to the International Maritime Organization; nationality Liberian

26. TAYLOR, Jewell Howard
DOB: 17 JAN 1963
Wife of former President Taylor

27. UREY, Benoni
DOB: 22 JUN 1957
Former Commissioner of Maritime Affairs; Diplomatic Passport No. D-00148399 <Liberia>

28. YEATON, Benjamin
aka YEATEN, Benjamin
Former Director, Special Security Services; Diplomatic Passport No. D-00123299 <Liberia>

Note: The identifying information with respect to each person listed in this Annex reflects information currently available and is provided solely to facilitate compliance with this order. Each individual listed in this Annex remains subject to the prohibitions of this order notwithstanding any change in title, position, or affiliation.

[FR Doc. 04–17205
Filed 7–26–04; 8:45 am]
Billing code 4810–25–C

Executive Order 13349

Amending Executive Order 13326 to Designate the President's Council of Advisors on Science and Technology to Serve as the National Nanotechnology Panel

Signed: July 23, 2004

Federal Register page and date: 69 FR 44891, July 27, 2004

Amends: EO 13326, September 30, 2001

Presidential Documents

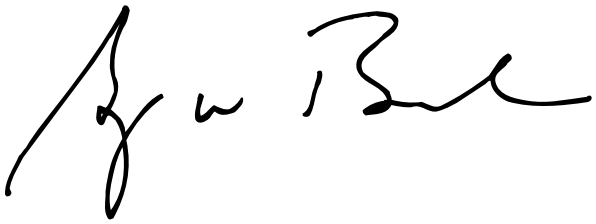
Executive Order 13349 of July 23, 2004

Amending Executive Order 13226 To Designate the President's Council of Advisors on Science and Technology To Serve as the National Nanotechnology Advisory Panel

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the 21st Century Nanotechnology Research and Development Act (Public Law 108–153), and in order to designate the National Nanotechnology Advisory Panel pursuant to section 4(a) of that Act, it is hereby ordered as follows:

Executive Order 13226 of September 30, 2001, as amended, is further amended by adding a new section 2(c), to read as follows:

''(c) PCAST shall serve as the National Nanotechnology Advisory Panel under section 4 of the 21st Century Nanotechnology Research and Development Act (Public Law 108–153) (Act). Nothing in this Order shall be construed to require the National Nanotechnology Advisory Panel to comply with any requirement from which it is exempted by section 4(f) of the Act.''



THE WHITE HOUSE,
July 23, 2004.

[FR Doc. 04–17204
Filed 7–26–04; 8:45 am]
Billing code 3195–01–P

Executive Order 13350

Termination of Emergency Declared in Executive Order 12722 With Respect to Iraq and Modification of Executive Order 13290, Executive Order 13303, and Executive Order 13315

Signed: July 29, 2004

Federal Register page and date: 69 FR 46055, July 30, 2004

Revokes: EO 12722, August 2, 1990; EO 12724, August 9, 1990; EO 12734, November 14, 1990; EO 12743, January 18, 1991; EO 12751, February 14, 1991; EO 12817, October 21, 1992

Amends: EO 13290, March 20, 2003

Supersedes in part: EO 13315, August 28, 2003

See: EO 13303, May 22, 2003

Federal Register

Friday,
July 30, 2004

Part VI

The President

Executive Order 13350—Termination of Emergency Declared in Executive Order 12722 With Respect to Iraq and Modification of Executive Order 13290, Executive Order 13303, and Executive Order 13315

Federal Register
Vol. 69, No. 146
Friday, July 30, 2004

Presidential Documents

Title 3—

The President

Executive Order 13350 of July 29, 2004

Termination of Emergency Declared in Executive Order 12722 With Respect to Iraq and Modification of Executive Order 13290, Executive Order 13303, and Executive Order 13315

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*)(NEA), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c)(UNPA), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, have determined that the situation that gave rise to the declaration of a national emergency with respect to Iraq in Executive Order 12722 of August 2, 1990, has been significantly altered by the removal of the regime of Saddam Hussein and other developments. I hereby terminate the national emergency declared in Executive Order 12722, revoke that Executive Order and Executive Order 12724 of August 9, 1990, Executive Order 12734 of November 14, 1990, Executive Order 12743 of January 18, 1991, Executive Order 12751 of February 14, 1991, and Executive Order 12817 of October 21, 1992, that are based on that national emergency. I hereby amend Executive Order 13290 of March 20, 2003, so that the authorities therein remain in effect based on the national emergency I declared in Executive Order 13303 of May 22, 2003, and expanded in Executive Order 13315 of August 28, 2003. At the same time, and in order to take additional steps to deal with the national emergency that I declared in Executive Order 13303, and expanded in Executive Order 13315, with respect to the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in that country, and the development of political, administrative and economic institutions in Iraq, I hereby order:

Section 1. Pursuant to section 202(a) of the NEA (50 U.S.C. 1622(a)), termination of the national emergency declared in Executive Order 12722 shall not affect any action taken or proceeding pending but not finally concluded or determined as of the effective date of this order, any action or proceeding based on any act committed prior to such date, or any rights or duties that matured or penalties that were incurred prior to such date. Pursuant to section 207(a) of IEEPA (50 U.S.C. 1706(a)), and subject to such regulations, orders, directives, or licenses as may be issued pursuant to this order, I hereby determine that the continuation of prohibitions with regard to transactions involving property blocked pursuant to Executive Orders 12722 or 12724 that continues to be blocked as of the effective date of this order is necessary on account of claims involving Iraq.

Sec. 2. The Annex to Executive Order 13315 is replaced and superseded in its entirety by the Annex to this order.

Sec. 3. I hereby amend Executive Order 13290 by removing ''the national emergency declared in Executive Order 12722 of August 2, 1990'' and replacing it with ''the national emergency declared in Executive Order 13303 of March 20, 2003, and expanded in Executive Order 13315 of August 28, 2003''.

Sec. 4. Unless licensed or otherwise authorized pursuant to this order or otherwise consistent with U.S. law, the trade in or transfer of ownership or possession of Iraqi cultural property or other items of archeological, historical, cultural, rare scientific, and religious importance that were illegally removed, or for which a reasonable suspicion exists that they were illegally removed, from the Iraq National Museum, the National Library, and other locations in Iraq since August 6, 1990, is prohibited.

Sec. 5. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by or to persons determined to be subject to the sanctions imposed by Executive Order 13315 or by this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13303, and expanded by Executive Order 13315, or would endanger the Armed Forces of the United States that are engaged in hostilities, and I hereby prohibit such donations as provided in section 1 of Executive Order 13315 as amended by this order.

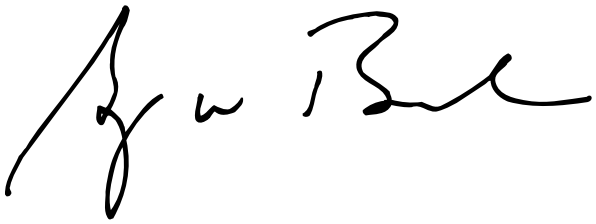
Sec. 6. For those persons listed in the Annex to this order or determined to be subject to Executive Order 13315 or this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13303, and expanded by Executive Order 13315, there need be no prior notice of a listing or determination made pursuant to Executive Order 13315 or this order.

Sec. 7. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to determine subsequent to the issuance of the order, that circumstances no longer warrant the inclusion of a person in the Annex to this order and that such person is therefore no longer covered within the scope of the order.

Sec. 9. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, officers or employees, or any other person.

Sec. 10. This order is effective at 12:01 a.m. eastern daylight time on July 30, 2004. This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
July 29, 2004.

Billing code 3195–01–P

ANNEX

I. List of 55 Senior Iraqi Officials as previously named in Executive Order 13315:

1. ABD-AL-GHAFUR, Humam abd-al-Khaliq (a.k.a. 'ABD AL-RAHMAN, Humam 'abd al-Khaliq; a.k.a. ABD AL-GHAFUR, Humam Abd al-Khaliq; a.k.a. GHAFUR, Humam Abdel Khaleq Abdel; a.k.a. RASHID, Humam 'abd al-Khaliq) (DOB 1945; POB ar-Ramadi, Iraq; Former Minister of Higher Education and Research; M0018061/104,issued 12 September 1993; nationality Iraqi) (individual)

2. AL-AHMAD, Mahmud Dhiyab (a.k.a. AL-AHMAD, Mahmoud Dhiyab; a.k.a. AL-AHMAD, Mahmoud Diab) (DOB 1953; POB Mosul or Baghdad, Iraq; Former Minister of Interior; nationality Iraqi) (individual)

3. AL-AWADI, Hussein Qaid (Former Ba'th party regional command chairman, Ninawa, nationality Iraqi) (individual)

4. AL-AZZAWI, Hikmat Mizban Ibrahim (DOB 1934; POB Diyala, Iraq; Former Deputy Prime Minister and Finance Minister; nationality Iraqi) (individual)

5. AL-DULAYMI, Latif Nusayyif Jasim (DOB circa 1941; POB Ar-Rashidiya suburb of Baghdad, Iraq; Former Ba'th party military bureau deputy chairman; nationality Iraqi) (individual)

6. AL-DURI, Izzat Ibrahim (a.k.a. Abu Ahmad; a.k.a. Abu Brays) (DOB circa 1942; POB al-Dur, Iraq; Former deputy commander-in-chief of Iraqi military; deputy secretary, former Ba'th party regional command; former vice chairman, Revolutionary Command Council; nationality Iraqi) (individual)

7. AL-JIZRAWI, Taha Yassin Ramadan (a.k.a. RAMADAN, Taha Yasin; a.k.a. RAMADAN, Taha Yassin) (DOB circa 1938; Former vice president; nationality Iraqi) (individual)

8. AL-KHAFAJI, Muhsin Khadr (Former Ba'th party regional command chairman, al-Qadisiyah; nationality Iraqi) (individual)

9. AL-KUBAYSI, Ugla Abid Saqar (a.k.a. Saqr al-Kabisi abd Aqala) (DOB 1944; POB Kubaisi, al-Anbar Governorate, Iraq; Former Ba'th party regional command chairman, Maysan; nationality Iraqi) (individual)

10. AL-MASHHADANI, Saif-al-Din (DOB 1956; POB Baghdad, Iraq; Former Ba'th party regional command chairman, al-Muthanna; nationality Iraqi) (individual)

11. AL-MUHAMMAD, Khamis Sirhan (a.k.a. Dr. Khamis) (Former Ba'th party regional command chairman, Karbala; nationality Iraqi) (individual)

12. AL-NAJIM, Samir abd al-Aziz (DOB 1937; alt. DOB 1938; POB Baghdad, Iraq; Former Ba'th party regional command chairman, East Baghdad; nationality Iraqi) (individual)

13. AL-NAQIB, Zuhair Talib abd-al-Sattar (DOB circa 1948; Former Director, Military Intelligence; nationality Iraqi) (individual)

14. AL-NUMAN, Aziz Salih (DOB 1941; alt. DOB 1945; POB An Nasiriyah, Iraq; Former Ba'th party regional command chairman; nationality Iraqi) (individual)

15. AL-RAWI, Ayad Futayyih Khalifa (DOB 1942; POB Rawah, Iraq; Former Quds Force Chief of Staff; nationality Iraqi) (individual)

16. AL-RAWI, Saif-al-Din Fulayyih Hassan Taha (a.k.a. AL-RAWI, Ayad Futayyih) (DOB 1953; POB Ar Ramadi, al-Anbar Governorate, Iraq; Former Republican Guard chief of staff; nationality Iraqi) (individual)

17. AL-SA'DI, Amir Hamudi Hassan (DOB 5 Apr 1938; POB Baghdad, Iraq; former presidential scientific advisor; Passport No. NO33301/862, issued 17 October 1997, expires 1 October 2005; Passport No. M0003264580; Passport No. H0100009, issued 1 May 2002; nationality Iraqi) (individual)

18. AL-SA'DUN, Muhammad Zimam abd-al-Razzaq (DOB 1942; POB Suq ash-Shuyukh District, Dhi-Qar, Iraq; Former Ba'th party regional chairman, at-Tamim; nationality Iraqi) (individual)

19. AL-SAD'UN, Abd-al-Baqi abd-al-Karim Abdallah (DOB 1947; Former Ba'th party regional command chairman, Diyala; nationality Iraqi) (individual)

20. AL-SALIH, Muhammad Mahdi (a.k.a. SALEH, Mohammed Mahdi) (DOB 1947; alt. DOB 1949; POB al-Anbar Governorate, Iraq; Former Minister of Trade; nationality Iraqi) (individual)

21. AL-TAI, Sultan Hashim Ahmad (DOB circa 1944; POB Mosul, Iraq; Former Minister of Defense; nationality Iraqi) (individual)

22. AL-TIKRITI, Abid Hamid Mahmud (a.k.a. HAMMUD, Abed Mahmoud; a.k.a. MAHMOUD, Col. Abdel Hamid; a.k.a. MAHMUD, Abid Hamid bid Hamid) (DOB circa 1957; POB al-Awja, near Tikrit, Iraq; Saddam Hussein al-Tikriti's presidential secretary and key advisor; nationality Iraqi) (individual)

23. AL-TIKRITI, Ali Hassan al-Majid (a.k.a. al-Kimawi; a.k.a. AL-MAJID, General Ali Hasan; a.k.a. AL-MAJID, General Ali Hassan) (DOB 1943; alt. DOB 1941; POB al-Awja, near Tikrit, Iraq; former presidential advisor and former senior member of Revolutionary Command Council; nationality Iraqi) (individual)

24. AL-TIKRITI, Barzan abd al-Ghafur Sulaiman Majid (a.k.a. AL-GHAFUR, Barzan Razuki abd) (DOB 1960; POB Salah al-Din, Iraq; former commander, Special Republican Guard; nationality Iraqi) (individual)

25. AL-TIKRITI, Barzan Ibrahim Hassan (a.k.a. AL-TAKRITI, Barzan Ibrahim Hassan; a.k.a. AL-TIKRITI, Barzan Ibrahim Hasan), Geneva, Switzerland (DOB 17 Feb 1951; POB Tikrit, Iraq; former presidential advisor; half-brother of Saddam Hussein al-Tikriti; Passport No. M0001666/970; Passport No. NM0000860/114; Passport No. M0009851/1; nationality Iraqi) (individual)

26. AL-TIKRITI, Hamid Raja Shalah (a.k.a. AL-TIKRITI, Hamid Raja Shalah Hassan; a.k.a. AL-TIKRITI, Hamid Raja-Shalah Hassum) (DOB 1950; POB Bayji, Salah al-Din Governorate, Iraq; former air force commander; nationality Iraqi) (individual)

27. AL-TIKRITI, Hani abd-al-Latif Tilfah (DOB circa 1962; POB al-Awja, near Tikrit, Iraq; Former #2 in Special Security Organization; nationality Iraqi) (individual)

28. AL-TIKRITI, Ibrahim Ahmad abd al-Sattar Muhammed (DOB 1943; alt. DOB 1950; alt. DOB 1952; POB Ba'qubah or al-Sumayda/Shirqat, Iraq; former armed forces chief of staff; nationality Iraqi) (individual)

29. AL-TIKRITI, Jamal Mustafa Abdallah Sultan (DOB 4 May 1955; POB al-Samnah, near Tikrit, Iraq; former deputy head of tribal affairs in presidential office; nationality Iraqi) (individual)

30. AL-TIKRITI, Kamal Mustafa Sultan Abdallah (a.k.a. ABDALLAH, Kamal Mustafa; a.k.a. AL-TIKRITI, Kamal Mustafa Abdallah Sultan) (DOB 1952; alt. DOB 4 May 1955, POB Tikrit, Iraq; Former Republican Guard Secretary; formerly led Special Republican Guard and commanded both Republican Guard corps; nationality Iraqi) (individual)

31. AL-TIKRITI, Muzahim Sa'b Hassan (DOB circa 1946; alt. DOB 1949 al-Awja, near Tikrit, Iraq; formerly led Iraq's Air Defense Forces; Former Deputy Director, Organization of Military Industrialization; nationality Iraqi) (individual)

32. AL-TIKRITI, Qusay Saddam Hussein (DOB 1965; alt. DOB 1966; POB Baghdad, Iraq; Saddam Hussein al-Tikriti's second son; formerly oversaw Special Republican Guard, Special Security Organization, and Republican Guard; nationality Iraqi) (individual)

33. AL-TIKRITI, Rafi abd-al-Latif Tilfah (DOB circa 1954; POB Tikrit, Iraq; Former Director, Directorate of General Security; nationality Iraqi) (individual)

34. AL-TIKRITI, Rukan Razuki abd-al-Ghafur Sulaiman (a.k.a. Abu Walid; a.k.a. AL-MAJID, Rukan abd al-Gafur; a.k.a. AL-MAJID, Rukan abdal-Ghaffur Sulayman; a.k.a. AL-MAJID, Rukan Razuqi abd al-Gahfur; a.k.a. AL-TIKRITI, Rukan 'abd al-Ghaffur al-Majid; a.k.a. AL-TIKRITI, Rukan abd al-Ghaffur al-Majid) (DOB 1956, POB Tikrit, Iraq; former head of Tribal Affairs Office in presidential office; nationality Iraqi) (individual)

35. AL-TIKRITI, Sa'd abd-al-Majid al-Faysal (DOB 1944; POB Tikrit, Iraq; Former Ba'th party regional command chairman, Salah al-Din; nationality Iraqi) (individual)

36. AL-TIKRITI, Sab'awi Ibrahim Hassan (a.k.a. AL-TAKRITI, Sabawi Ibrahim Hassan) (DOB 1947; POB Tikrit, Iraq; former presidential advisor; half-brother of Saddam Hussein al-Tikriti; nationality Iraqi) (individual)

37. AL-TIKRITI, Saddam Hussein (a.k.a. Abu Ali; a.k.a. HUSAYN, Saddam; a.k.a. HUSSAIN, Saddam; a.k.a. HUSSEIN, Saddam) (DOB 28 Apr 1937, POB al-Awja, near Tikrit, Iraq; named in UNSCR 1483; Former President; nationality Iraqi) (individual)

38. AL-TIKRITI, Tahir Jalil Habbush (DOB 1950; POB Tikrit, Iraq; former director of Iraqi Intelligence Service; nationality Iraqi) (individual)

39. AL-TIKRITI, Uday Saddam Hussein (a.k.a. HUSSEIN, Udai Saddam) (DOB 1964 alt. DOB 1967; POB Baghdad, Iraq; Saddam Hussein al-Tikriti's eldest son; former leader of paramilitary organization Fedayeen Saddam; nationality Iraqi) (individual)

40. AL-TIKRITI, Walid Hamid Tawfiq (a.k.a. AL-NASIRI, Walid Hamid Tawfiq) (DOB circa 1950, POB Tikrit, Iraq; Former Governor of Basrah; nationality Iraqi) (individual)

41. AL-TIKRITI, Watban Ibrahim Hassan (a.k.a. AL-HASSAN, Watab Ibrahim; a.k.a. AL-TAKRITI, Watban; a.k.a. AL-TIKRITI, Watban Ibrahim al-Hasan) (DOB 1952; POB Tikrit, Iraq; former presidential advisor; half-brother of Saddam Hussein al-Tikriti; nationality Iraqi) (individual)

42. AL-UBAIDI, Amir Rashid Muhammad (DOB 1939; POB Baghdad, Iraq; Former Minister of Oil; nationality Iraqi) (individual)

43. AL-UBAIDI, Ghazi Hammud (DOB 1944; POB Baghdad, Iraq; Former Ba'th party regional command chairman, Wasit; nationality Iraqi) (individual)

44. AL-UBAIDI, Yahia Abdallah (Former Ba'th party regional command chairman, al-Basrah; nationality Iraqi) (individual)

45. AL-YASSIN, Husam Muhammad Amin (DOB 1953; alt. DOB 1958; POB Tikrit, Iraq; head, Former National Monitoring Directorate; nationality Iraqi) (individual)

46. AMMASH, Huda Salih Mahdi (DOB 1953; POB Baghdad, Iraq; member, Former Ba'th party regional command; nationality Iraqi) (individual)

47. AZIZ, Tariq (a.k.a. AZIZ, Tariq Mikhail) (DOB 1 Jul 1936; POB Mosul or Baghdad, Iraq; Former Deputy Prime Minister; Passport No. NO34409/129 (July 1997); nationality Iraqi) (individual)

48. GHALIB, Nayif Shindakh Thamir (Former Ba'th party regional command chairman, an-Najaf; member; Iraqi National Assembly; nationality Iraqi) (individual)

49. GHARIB, Fadil Mahmud (a.k.a. AL-MASHAIKHI, Gharib Muhammad Fazel) (DOB 1944; POB Dujail, Iraq; Former Ba'th party regional command chairman, Babil; former chairman, General Federation of Iraqi Trade Unions; nationality Iraqi) (individual)

50. HADI, Mizban Khadr (DOB 1938; POB Mandali District, Diyala, Iraq; member, Former Ba'th party regional command and Revolutionary Command Council since 1991; nationality Iraqi) (individual)

51. HUWAYSH, Abd-al-Tawab Mullah (DOB 1957; alt. DOB 14 Mar 1942; POB Mosul or Baghdad, Iraq; former deputy prime minister; former director, Organization of Military Industrialization; nationality Iraqi) (individual)

52. KAZIM, Rashid Taan (Former Ba'th party regional command chairman, al-Anbar; nationality Iraqi) (individual)

53. MA'RUF, Taha Muhyi-al-Din (a.k.a. MARUF, Taha, Muhyi al-Din) (DOB 1924; POB Sulaymaniyah, Iraq; Former Vice President; former member of Revolutionary Command Council; nationality Iraqi) (individual)

54. MAHDI, Adil Abdallah (DOB 1945; POB al-Dur, Iraq; Former Ba'th party regional command chairman, Dhi-Qar) (individual)

55. ZUBAIDI, Muhammad Hamza (a.k.a. AL-ZUBAIDI, Mohammed Hamza; a.k.a. AL-ZUBAYDI, Muhammad Hamsa) (DOB 1938; POB Babylon, Babil Governorate, Iraq; former prime minister; nationality Iraqi) (individual)

II. Persons previously designated as subject to Executive Orders 12722 or 12724, or the Iraqi Sanctions Regulations, Title 31, Code of Federal Regulations, who are also determined to be subject to Executive Order 13315 and this order:

1. A.T.E. INTERNATIONAL LTD. (f.k.a. RWR INTERNATIONAL COMMODITIES), 3 Mandeville Place, London, England

2. A.W.A. ENGINEERING LIMITED, 3 Mandeville Place, London, England

3. ABBAS, Abdul Hussein, Italy (individual)

4. ABBAS, Kassim, Lerchesbergring, 23A, D-60598, Frankfurt, Germany (DOB 7 Aug 1956; POB Baghdad, Iraq) (individual)

5. ADMINCHECK LIMITED, 1 Old Burlington Street, London, England

6. ADVANCED ELECTRONICS DEVELOPMENT, LTD., 3 Mandeville Place, London, England

7. AHMAD, Rasem, P.O. Box 1318, Amman, Jordan (individual)

8. AHMAD, Wallid Issa, Iraq (individual)

9. AL-AMIRI, Adnan Talib Hassim, 43 Palace Mansions, Hammersmith, London, England (individual)

10. AL-ARABI TRADING COMPANY LIMITED, Lane 11, Hai Babil, Baghdad District 929, Iraq

11. AL-ATRUSH, Abd al-Wahhab Umar Mirza (a.k.a. AL-ATRUSHI, Abdel Wahab), a former minister of state, Iraq (DOB 1936) (individual)

12. AL-AZAWI, Dafir, Iraq (individual)

13. AL-BAZZAZ, Hikmet Abdallah (a.k.a. AL-BAZAZ, Hikmet Abdullah), Former Minister of Education, Iraq (individual)

14. AL-DAJANI, Leila N.S., P.O. Box 1318, Amman, Jordan (individual)

15. AL-DAJANI, Nadim S., P.O. Box 1318, Amman, Jordan (individual)

16. AL-DAJANI, Sa'ad, P.O. Box 1318, Amman, Jordan (individual)

17. AL-DULAIMI, Khalaf M. M., Baghdad, Iraq (individual)

18. AL-HABOBI, Dr. Safa Haji J. (a.k.a. AL-HABOBI, Dr. Safa; a.k.a. AL-HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Jawad; a.k.a. JAWAD, Dr. Safa Hadi), Former Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 01 Jul 46) (individual)

19. AL-HAMMADI, Hamid Yusif (a.k.a. HAMADI, Hamed Yussef), Former Minister of Culture and Information, Iraq (individual)

20. AL-HASSAN, Anas Malik Dohan (a.k.a. AL-HASSAN, Anas; a.k.a. DOHAN, Anas; a.k.a. DOHAN, Anas Malik; a.k.a. MALIK, Anas), Baghdad, Iraq (individual)

21. AL-HASSAN, Anas Malik Dohan (a.k.a. AL-HASSAN, Anas; a.k.a. DOHAN, Anas; a.k.a. DOHAN, Anas Malik; a.k.a. MALIK, Anas), Jordan (individual)

22. AL-HUWAYSH, Isam Rashid, Former Governor of the Central Bank, Iraq (individual)

23. AL-JABBURI, Sadi Tuma Abbas, Former Adviser to the President for Military Affairs, Iraq (DOB 1939) (individual)

24. AL-KHAFAJI, Sabah, 254 Rue Adolphe Pajeaud, 92160 Antony, France (individual)

25. AL-KHODAIR, Ahmad Hussein (a.k.a. SAMARRAI, Ahmad Husayn Khudayir), Former Minister of Finance, Iraq (DOB 1941) (individual)

26. AL-MAJID, Hussein Kamel Hassan (a.k.a. AL-MAJID, Husayn Kamil Hasan), Former Minister of Industry and Minerals and Advisor to the President, Baghdad, Iraq (DOB 1955) (individual)

27. AL-MALIKI, Shabib Lazem (a.k.a. AL-MALEKI, Shebib Lazim), Former Minister of Justice, Iraq (DOB 1936) (individual)

28. AL-QASIR, Nazar Jumah Ali (a.k.a. AL-QASSIR, Nizar Jomaa Ali), Former Minister of Irrigation, Iraq (individual)

29. AL-RIDA, Karim Hasan (a.k.a. RIDA, Karim Hassan), Former Minister of Agriculture, Iraq (DOB 1944) (individual)

30. AL-RUBA, Dr. Khadim, Managing Director of REAL ESTATE BANK, Iraq (individual)

31. AL-SAHHAF, Muhammad Said Kazim (a.k.a. AL-SAHAF, Mohammed Said), Former Minister of Foreign Affairs, Iraq (DOB 1940) (individual)

32. AL-ZIBARI, Arshad Muhammad Ahmad Muhammad, a former minister of state, Iraq (DOB 1942) (individual)

33. ALAWI, Abdel-Salam Abdel-Rahman (a.k.a. ALLAWI, Salam), General Manager of INDUSTRIAL BANK OF IRAQ, Iraq (individual)

34. ALI, Ali Abdul Mutalib, Germany (individual)

35. ALWAN, Allaidin Hussain (a.k.a. ALWAN, Alla Idin Hussain), Baghdad, Iraq (individual)

36. AMD CO. LTD AGENCY, Al-Tahrir Car Parking Building, Tahrir Sq., Floor 3, Office 33, P.O. Box 8044, Baghdad, Iraq

37. ARAB PETROLEUM ENGINEERING COMPANY LTD., Amman, Jordan

38. ARAB PROJECTS COMPANY S.A. LTD., P.O. Box 1318, Amman, Jordan

39. ARAB PROJECTS COMPANY S.A. LTD., P.O. Box 1972, Riyadh, Saudi Arabia

40. ARAB PROJECTS COMPANY S.A. LTD., P.O. Box 7939, Beirut, Lebanon

41. ARCHI CENTRE I.C.E. LIMITED, 3 Mandeville Place, London, England

42. ARCHICONSULT LIMITED, 128 Buckingham Place, London 5, England

43. ASSOCIATED ENGINEERS, England

44. ATIA, Hachim K., 2 Stratford Place, London W1N 9AE, England (individual)

45. ATIA, Hachim K., Hay Al-Adil, Mahala-645, Zukak-8, No.-39, Baghdad, Iraq (individual)

46. ATIA, Hachim K., Lane 15, Area 902, Hai Al-Wahda, Baghdad, Iraq (individual)

47. ATLAS AIR CONDITIONING COMPANY LIMITED, 55 Roebuck House, Palace Street, London, England

48. ATLAS EQUIPMENT COMPANY LIMITED, 55 Roebuck House, Palace Street, London, England

49. BABIL INTERNATIONAL, Aeroport D'Orly, 94390 Orly Aerogare, France

50. BAROON SHIPPING COMPANY LIMITED, Haven Court, 5 Library Ramp, Gibraltar

51. BAY INDUSTRIES, INC., 10100 Santa Monica Boulevard, Santa Monica, California, U.S.A.

52. BUHLER, Bruno, 57 Rue du Rhone, CH-1204 Geneva, Switzerland (individual)

53. DAGHIR, Ali Ashour, 2 Western Road, Western Green, Thames Ditton, Surrey, England (individual)

54. DOMINION INTERNATIONAL, England

55. DURAND PROPERTIES LIMITED, Haven Court, 5 Library Ramp, Gibraltar

56. ENDSHIRE EXPORT MARKETING, England

57. EUROMAC EUROPEAN MANUFACTURER CENTER SRL, Via Ampere 5, 20052 Monza, Italy

58. EUROMAC TRANSPORTI INTERNATIONAL SRL, Via Ampere 5, 20052 Monza, Italy

59. EUROMAC, LTD., 4 Bishops Avenue, Northwood, Middlesex, England

60. FALCON SYSTEMS, England

61. FARAJ, Samal Majid, Former Minister of Planning, Iraq (individual)

62. FARTRADE HOLDINGS S.A., Switzerland

63. FATTAH, Jum'a Abdul, P.O. Box 1318, Amman, Jordan (individual)

64. H & H METALFORM GMBH, Postfach 1160, Strontianitstrasse 5, 4406 Drensteinfurt, Germany

65. HABIB, Mohammed Turki, Baghdad, Iraq (individual)

66. HELFORD DIRECTORS LIMITED, Haven Court, 5 Library Ramp, Gibraltar

67. I.P.C. INTERNATIONAL LIMITED, England

68. I.P.C. MARKETING LIMITED, England

69. INVESTACAST PRECISION CASTINGS, LTD., 112 City Road, London, England

70. IRAQI ALLIED SERVICES LIMITED, England

71. IRAQI FREIGHT SERVICES LIMITED, England

72. IRAQI TRADE CENTER, Dubai, U.A.E.

73. JARACO S.A. (a.k.a. SOKTAR; f.k.a. TRADACO S.A.), 45 Route de Frontenex, CH-1207 Geneva, Switzerland

74. JASIM, Latif Nusayyif (a.k.a. JASSEM, Latif Nassif), Former Minister of Labor and Social Affairs, Baghdad, Iraq (DOB 1941) (individual)

75. JON, Hana Paul, 19 Tudor House, Windsor Way, Brook Green, London, England (individual)

76. JUME'AN, George, P.O. Box 1318, Amman, Jordan (individual)

77. KADHUM, Dr. Fadel Jawad, c/o Alvaney Court, 250 Finchley Road, London, England (individual)

78. KARAGHULLY, Labeed A., General Manager of REAL ESTATE BANK, Iraq (individual)

79. KEENCLOUD LIMITED, 11 Catherine Place, Westminister, London, England

80. KHALIL, Dr. Ahmad Murtada Ahmad (a.k.a. KHALIL, Ahmad Murtadha Ahmad), Former Minister of Transport and Communications, Iraq (individual)

81. MALIK, Assim Mohammed Rafiq Abdul (a.k.a. ABDULMALIK, Abdul Hameed; a.k.a. RAFIQ, Assem), 14 Almotaz Sad Al Deen Street, Al Nozha, Cairo, Egypt (individual)

82. MATRIX CHURCHILL CORPORATION, 5903 Harper Road, Cleveland, Ohio 44139, U.S.A.

83. MEED INTERNATIONAL LIMITED, 3 Mandeville Place, London, England

84. MIDCO FINANCE S.A. (a.k.a. MIDCO FINANCIAL S.A.; a.k.a. MONTANA MANAGEMENT INC.), 57 Rue du Rhone, CH-1204 Geneva, Switzerland

85. MIDCO FINANCE S.A. (a.k.a. MIDCO FINANCIAL S.A.; a.k.a. MONTANA MANAGEMENT INC.), c/o Morgan & Morgan, Edificio Torre Swiss Bank, Piso 16, Calle 53 Este, Marbella, Panama City, Republic of Panama

86. MOHAMED, Abdul Kader Ibrahim, Jianguomenwai Diplomatic Housing Compound, Building 7-1, 5th Floor, Apartment 4, Beijing, People's Republic of China (individual)

87. MUBARAK, Umid Medhat (a.k.a. MUBARAK, Umid Midhat), Former Minister of Health, Iraq (DOB ca. 1940) (individual)

88. NAMAN, Saalim (a.k.a. NAMAN, Sam), P.O. Box 39, Fletchamstead Highway, Coventry, England; Iraq; Amman, Jordan; 5903 Harper Road, Solon, OH, U.S.A.; 3343 Woodview Lake Road, West Bloomfield, MI 48323, U.S.A. (individual)

89. NESSI, Ferruccio, Piazza Grande 26, 6600 Locarno, Switzerland (individual)

90. OMRAN, Karim Dhaidas, Iraq (individual)

91. ORIENT SHIPPING LIMITED, Lot 18, Bay Street, Kingstowne, St. Vincent and the Grenadines

92. PANDORA SHIPPING CO. S.A., Honduras

93. PETRA NAVIGATION & INTERNATIONAL TRADING CO. LTD. (a.k.a. AL PETRA COMPANY FOR GOODS TRANSPORT LTD.), Hai Al Wahda Mahalat 906, 906 Zulak 50, House 14, Baghdad, Iraq

94. RAJBROOK LIMITED, England

95. REYNOLDS AND WILSON, LTD., 21 Victoria Road, Surbiton, Surrey KT6 4LK, England

96. RICKS, Roy, 87 St. Mary's Frice, Benfleet, Essex, England (individual)

97. RZOOKI, Hanna, Chairman of REAL ESTATE BANK, Iraq (individual)

98. S.M.I. SEWING MACHINES ITALY S.P.A., Italy

99. SALIH, Abd al-Munim Ahmad (a.k.a. SALEH, Abdel Moneim Ahmad), Former Minister of Awqaf and Religious Affairs, Iraq (DOB 1943) (individual)

100. SPECKMAN, Jeanine, England (individual)

101. T N K FABRICS LIMITED, England

102. T.E.G. LIMITED, 3 Mandeville Place, London, England

103. T.M.G. ENGINEERING LIMITED, Castle Row, Horticultural Place, Chiswick, London, England

104. TALL, Aktham, P.O. Box 1318, Amman, Jordan (individual)

105. TARIQ ABU SHANAB EST. FOR TRADE & COMMERCE (a.k.a. ABU SHANAB METALS ESTABLISHMENT; a.k.a. AMIN ABU SHANAB & SONS CO.; a.k.a. SHANAB METALS ESTABLISHMENT; a.k.a. TARIQ ABU SHANAB EST.; a.k.a. TARIQ ABU SHANAB METALS ESTABLISHMENT), Musherfeh, P.O. Box 766, Zarka, Jordan

106. TECHNOLOGY AND DEVELOPMENT GROUP LTD. (a.k.a. T.D.G.), Centric House 390/391, Strand, London, England

107. TIGRIS TRADING, INC., 2 Stratford Place, London W1N 9AE, England

108. TIGRIS TRADING, INC., 5903 Harper Road, Solon, Ohio 44139, U.S.A.

109. TRADING & MARITIME INVESTMENTS, San Lorenzo, Honduras

110. U.I. INTERNATIONAL, England

111. WHALE SHIPPING LTD., c/o Government of Iraq, State Organization of Ports, Maqal, Basrah, Iraq

112. ZAHRAN, Yousuf, P.O. Box 1318, Amman, Jordan (individual)

113. ZAINAL, Akram, Chairman and General Manager of AGRICULTURAL CO-OPERATIVE BANK, Iraq (individual)

[FR Doc. 04–17636
Filed 7–29–04; 12:57 pm]
Billing code 4810–25–C